This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.

+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.

+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.

+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`

LELAND STANFORD JUNIOR UNIVERSITY

The Diplomacy of the Revolution.

903-78

THE

DIPLOMACY OF THE REVOLUTION:

AN

Historical Study.

BY

WILLIAM HENRY TRESCOT.

813

NEW YORK:
D. APPLETON & CO., 200 BROADWAY.
M.DCCC.LII.

27

244469

Entered according to Act of Congress, by
WILLIAM HENRY TRESCOT,
In the Clerk's Office of the District Court of the United States for the
District of South Carolina.

T72

LIBRARY

TO THE

HONORABLE RICHARD RUSH.

DEAR SIR—

I THINK I can fairly hold you somewhat responsible for the venture I make in publishing the following pages, and will not, therefore, apologize for asking you to resume your old functions, and present me at the Court of that Public Opinion which is certainly, in our day, the most powerful of sovereigns. At any rate, I am sure there is no one to whom I could with more propriety dedicate this volume, than to one of whom it has been said eloquently, but not extravagantly, by an eminent Senator, that in the course of an unusually long and important diplomatic career he "never said a word that was improper, nor betrayed a thought that might peril his country's fortunes."

I know, moreover, that nowhere could I find a juster appreciation of my motive, nor a kinder criticism of my imperfect performance. Permit me then, my dear sir, to inscribe your name here, in acknowledgment of that valuable and pleasant intercourse which warrants me, I trust, in signing myself,

Truly and respectfully, your friend,

WILLIAM HENRY TRESCOT.

Harnwell Island, So. Ca., April 8th, 1852.

PREFACE.

THIS volume is literally what it pretends to be—an Historical Essay, not a History. My object has been, at a time when the influence of our foreign policy is beginning to govern largely the fortunes of the country, to ask attention to the spirit and character of those negotiations which secured us a place in the world. I have stated facts with care, and drawn conclusions with caution; but the general impression of these pages must of course justify itself.

The best of diplomatic histories is undoubtedly the record of the negotiations themselves, but as the mere diplomatic correspondence of the Revolution—that is, the communications of the foreign ministers of the United States with Congress—takes up twelve goodly octavo volumes, besides requiring for its comprehension a wide field of contemporary history, it is certain that very few, whatever interest might be felt on the subject, would have either time or inclination to master their own conclusions. This is, therefore, simply an effort to render more familiar to the public mind an important and interesting period of the country's history. It would have been easy to have made a larger book: the labor of this, such as it is, has been to condense its material into the fewest possible pages.

In concluding, I must express my great obligations to Mr.

Sparks, the eminent president of the University of Cambridge, for the kindness with which he allowed me to consult his invaluable MS. collection of documents relating to the early diplomatic history of the United States. I only wish that I felt any confidence that I had acknowledged my obligations, by using them to the most advantage for a subject, which I would be glad if this volume would provoke him to rescue from the hands of so incompetent a guardian as myself.

CONTENTS.

PAGE

CHAPTER I.

Introductory, ... 1

CHAPTER II.

Negotiation with France, ... 15

CHAPTER III.

Spain, ... 59
The Armed Neutrality, ... 73
Treaty with Holland, ... 82

CHAPTER IV.

Negotiations for Peace with England, . . . 94

CHAPTER V.

Conclusion, ... 144

APPENDIX.

Arthur Lee—Rayneval's Mission, ... 163

THE

DIPLOMACY OF THE REVOLUTION.

CHAPTER I.

INTRODUCTORY.

In general opinion, the idea of Diplomatic History has been strangely misconceived: and men of even educated intelligence are apt to regard diplomatic correspondence as a wearisome antithesis of studied ambiguity and disingenuous acuteness. Negotiation has almost come to be considered a sort of national special pleading which too often consumes time and obstructs justice; while the restless spirit of modern society, eager for results, and regardless of either intervening rights or duties, rejects as mischievous surplusage in the economy of government a ser-

vice, the particular purpose of whose labor is to elaborate doubts into difficulties, and to check the selfish extravagance of one interest by demonstrating the reasonable selfishness of another. "Time and I," said Cardinal Mazarin, "against any other two;" but the course of modern policy seems to prove that every nation now regards the colleague of that sagacious statesman as its most terrible enemy. Whatever is to be done must be done quickly, and the action of the world no longer lets "I dare not wait upon I world." And the mischief of this impetuous temperament is aggravated by that other characteristic of modern times, which tests the worth of public measures solely by their agreement with popular passion—a habit which elevates every popular paroxysm into a fit of inspiration, and denies that the people can ever imagine a vain thing.

Now, diplomacy involves, first, delay in order to discussion—the admitted possibility of there being more than one strong will or one just interest; and next, it requires in its sphere as thorough a concentration of power into individual hands as is compatible with national safety.

The method and forms of diplomatic labor

have also contributed to this general misconception. For although it is matter of historical proof that all great negotiations have been the expression of large national interests, yet, as in the earlier periods of European diplomacy those interests were represented in the persons of almost absolute sovereigns, and preserved in the antique shape of feudal rights, parchment charters, and complex institutions, a superficial criticism has confused the substance and the form, and identified the labors of learned and liberal jurists (for such ambassadors undoubtedly once were) with the maintenance of dynastic privileges and the perpetuation of antiquated formulas. Often, too, the chief merit of diplomatic skill is in what it prevents rather than in what it achieves. And as it usually happens that important negotiations are not made public until after the men and the events which governed them have passed away, this very success contributes to its own depreciation; for each generation finds itself too busily employed in discharging instant claims, to give much time or study to past history and past heroes. The following language of a recent biographer of an eminent diplomatist contains a general truth, of which he is not the only illustra-

tion: "The labors of an ambassador, whatever difficulty and danger, whatever importance, responsibility, and even dignity, may belong to them, are from their nature necessarily so obscure, so unlike those of men whose deeds, being associated with eloquence and military glory, are 'bruited' through the world, that the name of him to whose memory these pages are devoted, and who is considered by those who knew what he did and was as the greatest of English ambassadors, is so little known, that many have asked, or will ask, who was he who is thus highly estimated?"* But above the tumultuous hurry of modern events—away from the passionate wilfulness of popular statesmanship—independent of that noisy recognition which the world calls fame —in presence of the men whose dispatches have recorded the phases, and whose counsels have governed the crises of modern history, whose names are stamped indelibly upon those great charters of modern civilization—the treaties of Westphalia, of Utrecht, of Vienna—it can be safely and surely said that diplomatic history has its own full and peculiar value.

* Memoirs and Papers of Sir Andrew Mitchell, K.B., preface, page v.

The leading fact in modern history is—to borrow a philosophical phrase almost generalized into common use—its progress by antagonism. For if any period be selected for special examination, while it will be found to have a general tendency, a uniform character, and a precise result, yet all this will have been attained by the conflict of opposing national interests; and in each nation, the governing interest will have been matured through the contest of opposing parties. And it has usually happened that every historical period determines in one of those epochs where the interests of nations are so inextricably confused, that the history of the whole only can be the true history of any one. It is the comprehension of these great stages in human progress that gives to history its highest value, for here we learn the point which has been reached, and strive to learn the course which will be travelled. To study profitably such periods, we want not merely to catch what is called the spirit of the times—a vague consciousness of the onward sweep of the historical current; but we need the careful analysis of those conflicting elements which have modified each other into one broad result—the items of those great national claims upon which

Time has stricken the balance. Now, at the fulfilment of all these periods—at the close of every one of those fearful struggles which have convulsed in order to calm the nations of the world—the diplomatists of each era have been gathered together to determine the objects of national desire, count the cost of national success, and readjust the respective values of national power. In the record of their deliberations there should be found the justest estimate of national necessities, the strongest reflection of national sentiment, the truest summary of national history.

But there is another special value in the treasured experience of diplomatic records. The periods of modern history have never been characterized by the domination of some one great and absorbing empire. The civil code of no mighty capital has ever been elevated into the supreme law of a subject civilization; the vigorous spirit of no one people has controlled the direction and the form of modern thought. The results of our centuries have been attained by the constant conflict of equal nations. In that struggle has been developed the grandest system of national justice that the world has ever seen. The sufferings of every war, and the blessings of

every peace; the varied sagacity of every nation, and the common instincts of every people; the practical experience of busy life, and the profounder wisdom of studious philosophy, have all contributed to its glorious perfection. And the Law of Nations, founded on principles of universal justice, sanctioned by the precepts of Christian revelation, illustrated and justified by the great events of history, appeals both to the pride and safety of the nations for its sacred preservation. But in the strife of so many interests, it has been and will ever be to the temporary advantage of some one nation, to deny the force of these impartial rules, and refuse a wise obedience to this common authority. On all such occasions it has been the peculiar duty of an enlightened and instructed diplomacy to invoke the experience of the past, and to vindicate at all hazards the absolute inviolability of international law. And even in those disastrous periods which the world has seen, when the unreasoning force of armed selfishness has trampled on recognised right, the language of diplomacy has been that of constant and spirited protest, and history has thus preserved upon its records strong testimony for Truth's appeal to after and better times. The

value of this perpetual witness cannot be exaggerated; for, borne as it has been by the most powerful nations in their day of humiliation, it gives to international law a constant and consistent authority, under which the weakest people may shelter themselves securely.

Diplomatic history is also to some extent a history of motives and principles. For while general history, like the record of a legal verdict, announces simply a result, diplomatic negotiations, like the argument of counsel, declare the value of adverse claims, and thus vindicate the moral merits of the contending parties. To every nation, therefore, its diplomatic records are of the highest importance, indicating as they do the various interests which in the lapse of time have determined its policy, the motives which under changing circumstances have governed its conduct, and the principles of public law which it has sanctioned as authority. To no people, however, does the study of their Diplomatic history recommend itself with more practical force than ourselves. It is the mistaken pride of present opinion that we stand apart from the world, intrusted by God's providence with our peculiar and separate mission; that our wisdom is the

summary of the world's experience, and our future independent of the world's control. But if history forces upon us any one conclusion, it is, that we belong as much to the past as to the future; that we are an essential and inseparable portion of that Christendom whose deliberations are common because their interests are one; and that our progress can be neither safe nor wise unless we realize, not only our value in, but our connexion with the world. Whatever may have been our situation once, we are now placed between the two highways of the world's commerce; and if we have extended the circle of national relations, we have not left, and cannot leave, the limits of national duty.

That this was the earnest conviction of the great men who founded the Republic, their words and deeds are left to show. When the United States of America claimed from the nations of Europe a recognition of their independence, they declared in explicit language the position to which they thought themselves entitled; and in their Diplomatic Correspondence with the Governments to whom they applied, they recognised most emphatically the rights and responsibilities which that claim implied. It is true that

mighty changes have been wrought since their day; but these changes, it must be remembered, have resulted from the natural development of principles at work even then. And if ampler power and maturer knowledge have brought increased weight, it will be matter of pride as well as advantage to know that the country is moving in the direction indicated by those great men who perhaps "builded better than they knew," but who surely laid the foundations of this present power. It is no slight thing for a nation to possess a traditional policy. And if there is found in the diplomatic history of the Revolution the outline of that foreign policy which the country's interests seem now to require; if, consistently with national obligation and the broad requirements of national justice, may be found even then indicated the germ of that system which after events have only developed into fuller consistency, we will have that highest guarantee of political wisdom, the solemn and impartial approbation of the past.

In the diplomatic history of Europe previous to the American war, there were three periods of great and general interest, indicated respectively by the Peace of Westphalia, the Treaty of

Utrecht, and the Peace of Paris in 1763. The negotiations of Westphalia comprehended the interests of all continental Europe; for the preceding war, which had commenced with the religious differences in Germany, had ended by involving all Europe in what appeared to be an interminable conflict. The mass of interests to be discussed, and the nature of many of the questions between the Catholic and Protestant States of Germany, which were rather legal than political, depending often for decision upon charter claims, disputed feudal rights, and contested civil privileges, gave a complicated and somewhat technical character to much of the proceedings. But the Peace of Westphalia inaugurated the authority of international law, by proclaiming so close a community of interest between the nations of Europe as to justify and even necessitate common counsels; and it recognised the power of an European Congress to adjust national claims according to an understood system of national rights which was then the public law of Europe. The negotiations at Utrecht went further. The questions then discussed were not so much questions of right as of interest. They declared the existence of an

European balance of power not dependent upon dynastic rights nor feudal constructions, but regulated by the exigencies of great national interests. They recognised in every nation the right to protest against the exaggerated extension of any other nation, requiring for the common good a relative equality of national power. The interests, however, which had hitherto governed the foreign policy of nations was chiefly territorial; and this influence determined to a great degree the character of that balance between the great states of Europe which it was the aim of the Treaty of Utrecht to establish. It was not until some time later that broader and more directly popular interests began to control the course of governments. But from that period the relations of nations were perpetually changing, and alliances seemed made only to be broken. Interests the most diverse were mixed up in the same issues, and, to borrow an apt illustration, "men fought in Saxony for the possession of Canada." That balance of power which had been made the system of Europe was very much modified after the Peace of Utrecht, by the family compact of the Bourbon dynasties, and the famous Treaty of 1756 between France and

Austria. But the Treaty of Paris, 1763, by which France abandoned her valuable North American colonies to England, was a still wider departure from the old principles. That treaty established, or rather recognised, two facts, which were to shape the policy of at least the immediate future. The first was, the vast and admitted maritime superiority of Great Britain, which threatened to destroy the system of the Peace of Utrecht, by introducing a new element into the calculation of national strength, the influence of which was almost monopolized by one power. The second was, that England's Colonial possessions were part and parcel of her national power, and, as such, direct makeweights in the European balance.

A few years after the negotiation of this Treaty, the United States of America declared their Independence. They found in full authority a political system based on these three principles: First, the community of national interest warranting national interference: Second, the recognised necessity of a relative equality of national power: and third, the direct importance to the European system of any changes in the Colonial strength of the European maritime

powers. Did the United States accept the principles of the system into which they sought to enter? And what practical obligations did such an acknowledgment imply? These are questions of deep interest to a nation called to play no small part in the world's affairs: for it has been well and nobly said, "that it is impossible to separate the policy of the country from the conscience of the nation."

CHAPTER II.

NEGOTIATION WITH FRANCE.

THE Declaration of Independence by the United States required, as a necessary consequence, an appeal to the nations of Europe. For closely connected as was the whole system of the European powers, the change in the relative strength of England, caused by this separation, was a matter of great moment—a new political element, which their interests forced them to examine. Not only so, but the commercial relations of the new power were either directly with European nations or their remaining colonial possessions; and it was, therefore, of the first importance to the United States to determine as speedily as possible the character of those relations which depended for their adjustment upon other wills than their own. No sooner, therefore, had the idea of independence taken a practical shape in the deliberations of Congress than the subject of foreign alliances began to attract the thoughts and exercise the judgment of the national legisla-

ture. At the very outset of these discussions there was manifested a broad difference of opinion. One class of statesmen thought that the wisest and most dignified course was to conduct the war of Independence to its issue, and, having achieved its purpose unaided, to leave the great commercial advantages of the country to plead their own claims, and draw by their own attraction the regards and proposals of European powers. They thought—to use the expressive language of Dr. Franklin to Arthur Lee, when on his fruitless errand to Spain—"A virgin state should preserve the virgin character, and not go about suitoring for alliances, but wait with decent dignity for the application of others."* Another class, with a broader appreciation of political necessities, and, as it proved, a juster sense of the national interest, advocated the policy of diplomatic advances. They saw and proved that the interests involved in the question of Independence were, to a certain extent, European interests—affecting, by their modification, the entire balance of European power—and they felt themselves warranted in demanding efficient

* Diplomatic Corresp. vol. ii. p. 57. Franklin to Lee, March 21, 1777.

support in exchange for practical benefits. "I think," said John Adams—who more than any other man contributed to plan and execute the wise scheme of American policy—"I think we have not meanly solicited for friendships anywhere. But to send ministers to every great court in Europe, especially the maritime courts, to propose an acknowledgment of the independence of America and treaties of amity and commerce, is no more than becomes us, and in my opinion is our duty to do. It is perfectly consistent with the genuine system of American policy, and a piece of respect due from new nations to old ones."*

These differences were, however, without difficulty harmonized into a plan of practical action, and perhaps, after all, consisted more in the argumentative statement of extreme opinions, than in any want of concert when the necessity appeared for a prompt and positive policy. It is certainly as great an error to suppose that the one party opposed all treaties, as to infer that the other advised "treaties with all the world;" and

* Diplom. Corres. vol. v. p. 361. Adams to Franklin, Oct. 14, 1780. For a reverse opinion see Life of Gouverneur Morris, by Sparks, vol. i. p. 205–7.

it should be added that, if the abortive and mortifying negotiations with Prussia, Russia, and Spain, justify the caution of one course, the treaties with France and Holland are triumphant vindications of the bold sagacity of the other. And indeed, the very principles laid down in discussion by the advocates of foreign alliances, defined with strict and rather narrow limitations the sphere in which they should be sought. For Adams, who, from the autumn of 1775 through the spring and winter of 1776, was anxiously engaged in pressing upon Congress the three great points of national policy which were ultimately adopted, viz. Independence, the formation of State governments, and foreign alliances—has left on record his opinions as then expressed. "Some gentlemen," says he in his autobiography, "doubted of the sentiments of France, thought she would frown upon us as rebels and be afraid to countenance the example. I replied to these gentlemen, that I apprehended they had not attended to the relative situation of France and England; that it was the unquestionable interest of France that the British continental colonies should be independent; that Britain, by the conquest of Canada and her naval triumphs

during the last war, and by her vast possessions in America and the East Indies, was exalted to a height of power and pre-eminence that France must envy and could not endure. But there was much more than pride and jealousy in the case. Her rank, her consideration in Europe, and even her safety and independence were at stake. The navy of Great Britain was now mistress of the seas all over the globe; the navy of France almost annihilated. Its inferiority was so great and obvious, that all the dominions of France in the West Indies and in the East Indies lay at the mercy of Great Britain, and must remain so as long as North America belonged to Great Britain, and afforded them so many harbors abounding with naval stores and resources of all kinds, and so many men and seamen ready to assist them and man their ships. That interest could not lie; that the interest of France was so obvious, and her motives so cogent, that nothing but a judicial infatuation of her councils could restrain her from embracing us; that our negotiations with France ought, however, to be conducted with great caution, and with all the foresight we could possibly obtain; that we ought not to enter into any alliance which should entangle us in any

future wars in Europe; that we ought to lay it down as a first principle, and a maxim never to be forgotten, to maintain an entire neutrality in all future European wars; that it never could be our interest to unite with France in the destruction of England, nor in any measures to break her spirit or reduce her to a situation in which she could not support her independence. On the other hand, it could never be our duty to unite with Britain in the too great humiliation of France; that our real, if not our nominal independence, would consist in our neutrality. If we united with either nation in any future war we should become too subordinate and dependent on that nation, &c. * * * That, therefore, in preparing treaties to be proposed to foreign powers, and in the instructions to be given to our ministers, we ought to confine ourselves strictly to a treaty of commerce; that such a treaty would be an ample compensation to France for all the aid we should want from her. The opening of the American trade would be a vast resource for her commerce and naval power, and a great assistance to her in protecting her East and West Indian possessions, as well as her fisheries; but that the bare dismemberment of the British

Empire would be to her an incalculable security and benefit, worth more than all the exertions we require of her, even if it should draw her into another eight or ten years' war." Or, as he has condensed it in another shape, "Is any assistance attainable from France? What connexion may we safely form with her? 1. No political connexion; submit to none of her authority; receive no governors or officers from her. 2. No military connexion; receive no troops from her. 3. Only a commercial connexion—that is, make a treaty to receive her ships into our ports; let her engage to receive our ships into her ports; furnish us with arms, cannon, saltpetre, duck, steel."*

* These two extracts will be found in the Life and Works of John Adams, edited by his grandson, vol. ii., the first at pages 504–506, the last at pages 487–489. The first quotation is in every way so remarkable, not only as forcibly stating the principles of the country's policy then, but actually anticipating in its counsel the difficulties that arose in the administration of Washington with regard to the course to be pursued between England and France, that it is proper to state that it is taken from the autobiography, not the diary, and the former was written long after the events which it narrates. But the latter quotation appears to be a note made at the time of the debate, March, 1776.

The idea of a treaty on so narrow a basis was, under the stress of circumstances, abandoned; and the country, finding advantageous alliances within reach, was forced to assume reciprocal obligations of a more warlike character. But these opinions express the first intentions even of the extremest party in Congress. Governed by these views, on June 12th, 1776, a committee, consisting of Dickinson, Franklin, Jno. Adams, Harrison, and Robert Morris, was appointed by Congress to prepare a plan of treaty to be proposed to foreign powers. On September 17th of the same year a plan was submitted, discussed, and adopted, and, in a few days after, Benjamin Franklin, Silas Deane, and Arthur Lee were commissioned to represent the United States of America at the Court of Versailles.* The treaty which they were instructed to propose, and under circumstances to modify, was based on the principles expressed above. It was essentially and only a treaty of commerce. It asked for no military aid, it stipulated no political conditions. The only recognition of the probable interference of France consisted in express provisions: 1. That if, in consequence of the treaty, Great

* Secret Journal of Congress, vol. ii. pp. 7–29.

Britain should declare war against France, the United States should not assist Great Britain with men, money, ships, or any articles considered contraband under the provisions of the treaty. 2. That France should never invade, or under any pretence attempt to take possession of Labrador, New Britain, Nova Scotia, Acadia, Canada, Florida, Newfoundland, &c., &c., it being the intent of the treaty that the United States should have the sole, exclusive, undivided, and perpetual possession of the countries, cities, towns on the said continent, and of all the islands near it, which were or had been under the jurisdiction of Great Britain, whenever they should be united or confederated with the United States. 3. That if France should, in case of war, get possession of any British colony, there should be the same freedom of trade between such conquests and the United States, as between France and the United States.

To these very stringent articles, implying certainly no very great sense of weakness on one side, and manifesting but small confidence towards the other, were added the commercial clauses, providing for the freest trade between France and the United States; proclaim-

ing the most liberal principles of maritime law; requiring the protection of the French navy as convoy in certain cases, and guaranteeing that France should protect the subjects and vessels of the United States against the depredations of the Barbary powers "as effectually and fully" as the King of Great Britain, before the commencement of the war, protected the people and inhabitants of the United States "then called British colonies in America."

That such a treaty could be negotiated seems fairly impossible. For, in the first place, it implied that the independence of the United States was not a matter of European discussion at all; the treaty assuming it as a fact beyond the control of the very nations whose interests it was to influence. In the next place, it offered no guarantee to France that such independence could be preserved, even if recognised; for there was nothing in the treaty to prevent a reconciliation with England, and at any moment France might have found the combined forces of England and America acting in concert to check the progress of her arms. And lastly, the only advantage held out, in exchange for the commercial privileges demanded, was free trade with a

country covered with invading armies, and at war with the great maritime power of the world. Indeed the treaty went so far, in one of the provisions just quoted, as to demand free trade with conquests to be made with no assistance from the party who thus hoped to reap the benefit. The Commissioners, however, were provided with instructions which relieved them from the necessity of supporting the high tone of the treaty; for not only were they authorized to waive, if necessary, some most important points, but they were informed, "It is highly probable that France means not to let the United States sink in the present contest: but, as the difficulty of obtaining true accounts of our condition may cause an opinion to be entertained that we are able to support the war on our own strength and resources longer than in fact we can do, it will be proper for you to press for the immediate and explicit declaration of France in our favor, upon a suggestion that a re-union with Great Britain may be the consequence of delay;" and further, "you are desired to obtain, as early as possible, a public acknowledgment of the independency of these States on the crown and

Parliament of Great Britain, by the Court of France."*

To carry out these instructions would require, it is obvious, a closer as well as a wider treaty than that they were authorized to negotiate. A declaration of France in favor of the United States, or a formal recognition of their independence, involved higher questions, and embraced a vaster scope of consequences than any commercial arrangements. Furnished with these instructions, the Commissioners joined each other in Paris on December 22d, 1776, and on the 28th of the same month had, to use their own words, their first audience of "His Excellency the Count Vergennes, one of his Most Christian Majesty's principal Secretaries of State, and Minister for Foreign Affairs. We laid before him our commission, with the articles of the proposed treaty of commerce. He assured us of the protection of his Court, and that due consideration should be given to what we offered."† Copies of the papers were sent to the Count

* Secret Journal of Congress, vol. ii. p. 29, 30.

† Diplom. Corres. vol. i. p. 250. Commissioners to Committee of Secret Corresp. Jan. 17th, 1777.

d'Aranda, the Spanish ambassador in Paris, and the Commissioners were fairly entered upon their doubtful and difficult labors.

Before their progress can be followed with profit, it will be necessary to understand distinctly the position of France, and the views which that Court was prepared to take of the American Revolution.

The diplomatic success of the Duc de Choiseul in negotiating the treaty of 1756 with Austria, and uniting the scattered strength of the Bourbon dynasties under the provisions of the Family Compact, produced an immediate and startling effect upon the whole European system. The idea of the balance of power claimed by French historians as an original creation of French policy, which had been established by the Treaty of Westphalia and confirmed in principle by the Treaty of Utrecht, was based upon the assumed rivalship of the great powers of France and Austria. In the conflicting interests and necessary antagonism of these two powers, the minor states of Europe found, according to this system, the guarantees of their safety. And although it might fairly be argued that the concentration and settlement of Prussia, and the prodigious

and constantly increasing superiority of England's maritime power, effectually disturbed the old system, and called imperatively for a change in national relations, yet such a departure from a traditional policy necessarily started new questions and worked unforeseen conclusions; for neither to nations nor men is it given to

> "look into the seeds of time,
> And say which grain will grow and which will not."

The war which terminated in the Peace of Paris in 1763, closed under circumstances that promised no permanent stability. The naval power of England had grown to gigantic proportions, and the wants of her commerce demanded continents for its monopoly. The conditions of that treaty forced from France all of her American colonies; and although, in a very pardonable spirit, she might declare that the vast extent of Canada was of very moderate commercial advantage, and the rich soil of Louisiana was almost uninhabited, yet her Spanish allies found no safety for their colonial possessions in the spread of British provinces; and her own pride found it a bitter reflection, that the French flag no longer floated in sovereignty over lands consecrated by

the chivalrous courage of Montcalm, and illustrated by the heroic enterprise of La Salle.

At the death of Louis XV. and the accession of Louis XVI., although it is true that the Bourbons reigned in France, Spain, Sicily, and Naples, and by family alliances were united with the houses of Savoy, Bavaria, and Saxony, yet in no period of history was the influence of France upon Europe so weak. Louis XV., whose diplomatic tastes are proved by the elaborate memoirs which were furnished for his special study by his cabinet of secret correspondence, was interested enough to speculate, but not energetic enough to act; and the partition of Poland certified to the world both his weakness and his apathy.

From 1763, however, to the accession of Louis XVI. France was employed in nursing her strength, and especially in reconstructing her navy. And although shorn of some of his proudest possessions, and compelled by national necessities to hold a wary course in his foreign policy, that monarch realized fully, and in the opening of his reign sustained nobly, the character and power of the King of France. And if the language of his ministers may be justly regarded

as the expression of his own will, neither the genius nor the fortune of his most renowned ancestors could have conferred upon him a purer fame, than the fulfilment of his own right-minded ambition. For early in 1777, the Count de Vergennes, in submitting to his consideration certain questions of foreign policy, gives the following wise and elevated counsel.

"France, constituted as she is, ought rather to fear than to desire increase of territory. A larger extent would be only a weight placed at the extremities to weaken the centre. She has in herself all that makes real power: a fertile soil, precious staples with which other nations cannot dispense, zealous and obedient subjects devoted to their monarch and their country. The glory of conqueror kings is the scourge of humanity, while the fame of a beneficent monarch is its blessing. It is this, sire, which should be the birthright of a king of France, especially that of your majesty, who lives but for the good of human kind. France, placed in the centre of Europe, has a right to influence in all its great affairs. Its king, like a supreme judge, can regard his throne as a tribunal instituted by Providence to vindicate the duties and fitness of royalty.

If, at the same time that your majesty busies yourself anxiously to restore order in your internal economy, you direct your policy to establish the opinion that no greediness of conquest, no ambitious hopes move your spirit—that all you wish is order and justice,—your example will do more than your arms. Justice and peace will reign everywhere, and all Europe will recognise with gratitude the blessings which it owes to your majesty's wisdom, virtue, and magnanimity."*

Circumstances soon tested the spirit of the king, the wisdom of his minister, and the extent of his resources. The difficulties between Great Britain and the thirteen colonies, which commenced not long after the treaty of Paris in 1763, had by 1775 developed into a difference so serious in its character and so threatening in its results, as to attract the attention of foreign powers. Early in 1776 Vergennes, who had carefully considered the probable consequences of this political change, prepared and submitted to his majesty an elaborately reasoned *Mémoire* on this subject in all its relations. The *Mémoire* was, by order of the king, referred on 12th March,

* Flassans, Diplomatie Française. Tome vii. pp. 139, 140.

1776, to the examination of the celebrated Turgot, at that time Comptroller-General of France, and he was instructed to report upon it in writing. In the following April the opinion of the Comptroller-General was reported in a long and masterly paper, giving proof, in its reasonings and anticipations, of an almost prophetic statesmanship.*

These documents may justly be referred to in proof of the opinions which the French Court held in regard to the American revolution. The first point to be settled was what would be the probable result of the contest. Whether,

1. A reconciliation by which the English ministers, recognising its impracticability, should

* The report of Turgot may be found in any complete edition of his works. I quote from the edition in two large 8vo. volumes, edited by M. Eugene Daire, and forming part of the "Collection des Principaux Economistes." The *Mémoire* will be found at page 441, tome ii. The *Mémoire* of Vergennes I have read in the collection of Mr. Sparks, President of Cambridge University, at pages 10–14 of the folio MSS. entitled "Correspondence, chiefly between the French and Spanish Ministers, concerning the American Revolution. Copied from the originals in the Archives des Affaires Etrangères, Paris." As the report of Turgot states fully and fairly the points of the *Mémoire* of Vergennes, I have quoted the former only in the text.

abandon their plan of subjugating the colonies, and restore things to their condition before the passage of the Stamp Act.

2. The conquest of the colonies, which, by increasing the power of the crown, might give opportunity and temptation to an attack by the English monarch on constitutional liberties at home.

3. The defeat of the British power in America, which might induce the British minister to look for indemnities at the expense of France and Spain, in order first to retrieve their disgrace, and next, to offer to the rebels, as a means of reconciliation, the commerce and provisioning of the conquered West Indies, or,

4th, and lastly, the termination of the war by the absolute independence of the colonies, which was considered as an inevitable, though perhaps remote result.

The next point to be determined was, which of these results was most agreeable to the interests of France and Spain; and the last, what course of policy it became the two courts to adopt. "In reviewing," says the *Mémoire*, "with M. le Comte de Vergennes the different manners in which the quarrel of England with her colonies may be supposed likely to terminate, it ap-

pears to me that the event most desirable for the interest of the two crowns will be that England should overcome the resistance of her colonies and force them to submit to her yoke—because if the colonies should be subjugated only by the ruin of all their resources, England would lose the advantages which she has hitherto drawn from them, whether in peace by the increase of her commerce, or in war by the use she has made of their forces. If, on the contrary, the colonies, reconciling themselves with England, preserve their wealth and population, they will also preserve their courage and the desire of independence, and will compel England to use one portion of her forces to prevent their rising anew."

And with regard to the policy to be pursued, the *Mémoire* adds, "My opinion is exactly the same as that of the Comte de Vergennes as to the necessity of rejecting every plan of aggression on our part. In the first place, for the moral reasons so conformable to the known habits of thought of the two monarchs; in the second place, on account of the state in which the king has found his finances and his forces, both land and sea; on account of the time necessary to revive all these branches of his power, and of the danger of

eternizing our weakness by making a premature use of our strength; and in the third place, for the decisive reason that an offensive war on our part would reconcile England with her colonies, by giving the ministry a pretext for yielding and the colonies a motive for accepting propositions, in order to gain time to mature their projects and multiply their means." And the practical course recommended was to prepare for war in case it should come, and in the meantime to facilitate for the colonies the means of procuring munitions and even money, in the way of commerce, but without abandoning a proper neutrality or furnishing direct assistance.

Acting on these views, the French government put itself in connexion with Arthur Lee, through Caron de Beaumarchais, and with Benjamin Franklin through Dubourg, offering to the United States the supplies they needed. These secret and rather embarrassing negotiations were ultimately conducted by Silas Deane, who arrived in the middle of 1776 in Paris, and whom the French Government, it may be added, refused to deliver up as a rebel subject on the demand of the British ambassador.

At this time neither Government recognised

fully the necessity of its position. They were both anxious to make as much and yield as little as the condition of events would permit. With the United States old sentiments were still strong, and they felt a justifiable apprehension in respect to alliances which might become protectorates; and France paused and hesitated before taking the initiative step in a new and unexplored direction. Accustomed to treat only with old and familiar kingdoms, and concerning traditional interests, the very boldness of this new policy was an argument against its wisdom; and she anticipated the startled inquiry of her ancient colleagues when she should introduce into their counsels this unknown, perhaps unwelcome equal. Well might the Count de Vergennes, when the British ambassador indignantly remonstrated against the reception of Franklin, reply, "Il est vrai qu'il en est fort question. Si cela avait lieu la France et l'Angleterre en seraient fort etonnées." The Declaration of Independence, the presence of the American Commissioners, the instructions which speedily followed them, and the march of events compelled the negotiators on both sides to take broader views, and forced them to more rapid and decisive conclusions.

The reception of the Commissioners, though informal, was an interference on the part of France, which, let its effect be what it might, would be neither forgotten nor forgiven by the English government. The Declaration of Independence, if supported by effective military resistance, was a perpetual barrier to any conditional reconciliation between the colonies and the mother country. Still there were grave difficulties in the way. The armies of the United States had as yet won no great advantages; the invincible haughtiness of British power was stimulated by the probable intervention of France to redoubled energy; affairs in Europe were perplexed and endangered by the death of the Elector of Bavaria, which threatened a general continental war; and Spain, the confidential ally of France, regarded with instinctive aversion the success of the colonial rebellion.

The instructions which reached the American Commissioners soon after their arrival indicated great and increasing anxiety on the part of the United States for foreign alliances. They were directed to abandon the strictly commercial grounds of their primary negotiation, and to offer the aid of their government to France for

the conquest of the West India Islands, and to Spain for the subjugation of Portugal.* The necessity for a political connexion was admitted, and concessions authorized in order to obtain it. But France had already done all that she intended to do;† and the Commissioners, although they acted with prudence and spirit, were too unfavorably situated to negotiate with advantage. Months necessarily elapsed before they could communicate with the authority at home; news came slowly and anything but surely. What did come was at first of the gloomiest description; and the English ambassador, prompt with every unfavorable rumor, pressed the French ministry with a confidence, the very energy of which threatened future retribution. Perhaps it is proper to add that the unfortunate distrust and jealousy of each other which characterized the proceedings of this Commission, and which, though not formally, were still to a certain extent recognised by the French minister, con-

* Secret Journal of Congress, vol. ii. pp. 38–41.

† Letter from Count de Vergennes to Marquis d'Ossun, accompanied by a paper submitted to the king, January, 1777, in presence of Maurepas, and endorsed by his majesty, approved. MS. Collection already referred to, p. 68.

tributed its full share to their weakness, and accounted for the ministerial reserve of which Mr. Adams complains even late in 1778, nearly a year after a treaty of alliance had been signed.

The negotiation, therefore, dragged slowly; the duties of the Commissioners were confined to pressing upon the attention of the French ministry the necessity of prompt and public assistance, employing such opportunities as occurred for the supply of munitions, and using their personal influence wherever it reached in correcting false impressions of their country, government, and cause. But they evinced as much wisdom in abstaining as in acting, until the news of Burgoyne's surrender, which reached France in December, 1777, wrought an immediate and most important change in the conduct of the French court.

This brilliant achievement, in connexion with the military capabilities both of the country and its people, proved by the position of the American arms, satisfied France that the United States had the intention, and, if supported, the ability to maintain their independence. In the memoir already referred to, Turgot had said, "The abso-

lute separation of the colonies from the mother country appears to me very probable. There will result from it, when the independence of the colonies is complete and recognised by the English themselves, a total revolution in the political and commercial relations of Europe and America; and I believe firmly that every mother country will be forced to abandon empire over its colonies, establish perfect freedom of trade with all nations, share with others this liberty, and preserve with their colonies the relations of friendship and kindred. If this be an evil, I believe there exists no mode to prevent it—that the only part to take is to submit to the absolute necessity, and make the most of it."

This result, therefore, which the ministry had all along anticipated as a final but distant conclusion, was accepted when it came, although so much sooner than was expected, and the policy of the minister was immediately adapted to this last alternative, as he had originally conceived it. The Commissioners represented forcibly to the court the necessity under which the United States now stood to know explicitly the intentions of France and Spain. On the 17th December, 1777, they had an interview with Mr. Gerard, who, by order of

the King, informed them, to use his own language, "That after a long and full consideration of our affairs and propositions in council it was decided, and his Majesty was determined, to acknowledge our independence, and make a treaty with us of amity and commerce. That in this treaty no advantage would be taken of our present situation to obtain terms from us which otherwise would not be convenient for us to agree to: his Majesty desiring that the treaty once made should be durable, and our amity subsist for ever; which could not be expected if each nation did not find its interest in the continuance as well as in the commencement of it. It was, therefore, his intention that the terms of the treaty should be such as we might be willing to agree to if our State had been long since established and in the fulness of strength and power, and such as we shall approve of when that time shall come. That his Majesty was fixed in his determination not only to acknowledge, but to support our independence by every means in his power: that in doing this he might probably soon be engaged in a war with all the expenses, risks, and damages, usually attending it, yet he should not expect any compensation from us on that

account, nor pretend that he acted wholly for our sakes; since, besides his real good will, it was manifestly the interest of France that the power of England should be diminished by our separation from it. He should, moreover, not so much as insist that, if he engaged in a war with England on our account, we should not make a separate peace. He would have us be at full liberty to make a peace for ourselves whenever good and advantageous terms were offered us. The only condition he should require and rely on would be this, that we, in no peace to be made with England, should give up our independence and return to the obedience of that government."*

On the 6th February, 1778, after some further negotiation, the two treaties of commerce and alliance were signed by Conrad Alexander Gerard on the part of his most Christian Majesty, and by Benjamin Franklin, Silas Deane, and Arthur Lee on the part of the United States of America. The treaty of commerce did not differ materially from the plan proposed by Congress, but the treaty of alliance not merely modified, but

* Diplomat. Corresp., vol. i. p. 356. Commissioners to Committee of Foreign Affairs, 18th Dec. 1777.

completely altered the character of the connexion. The commercial provisions were of the most liberal character, and recognised a system of maritime rights, which, however generous in theory, never was and perhaps never is destined to be the realized practice of any nations who possess and are conscious of great naval power. Indeed, however wise and necessary the policy of freedom to neutrals might appear to the statesmen of the United States, the Commissioners were not unaware of the immense and justifiable advantages which a more stringent theory of neutral law sometimes conferred upon belligerents: for on September 8th, 1777, they write to the Committee of Foreign Affairs: "As the English goods cannot in foreign markets face those of the French or Dutch, loaded as they are with the high insurance from which their competitors are exempted, it is certain the trade of Britain must diminish while she is at war with us and the rest of Europe in peace. To evade this mischief she now begins to make use of French bottoms, but as we have yet no treaty with France or any other power that gives to free ships the privilege of making free goods, we may weaken that project by taking the goods of the

enemy wherever we find them, paying freight."* And if maritime strength is as essential an element of national power as territorial extent, it is difficult to say why one nation supporting its energies and securing its defence by its force on land, should enjoy under neutral flags an undisturbed and profitable commerce, while the other, whose corresponding advantage is its power on sea, is compelled to hold in costly inactivity its most effective means of offence. But be this as it may, the treaty recognised as one of its fundamental bases the maxim that free ships make free goods.

What benefit to American commerce this declaration worked when circumstances rose to test its value, was not demonstrated until years after. The Droit d'Aubaine was abolished as to citizens of the United States. And although this privilege seems not to have been confidently anticipated by Congress, as the Commissioners were authorized to waive it, yet the French government accorded it without difficulty; and as it had been conceded in other cases, it may be considered as a part of that general policy

* Diplom. Corresp., vol. i. p. 322–3. See also another letter on the same subject at page 337.

adopted by Vergennes towards the neutral powers. The United States were put upon the footing of the most favored nation; and all questions of contraband, right of search, prizes, and the like, regulated under the broadest rules of mutual right.

The treaty of alliance varied in its general character, and in many special provisions, from the treaty first suggested by Congress. It was directly the reverse of the idea expressed by Adams, for it was both a military and a political alliance. It recognised the independence of the United States; provided for combined offensive movements; made the negotiations for peace a matter of joint consultation and interest; stipulated for the division of probable conquests; guaranteed respectively the possessions of the respective parties, and provided for the admission of other powers whose interests might become involved in the contest. Congress had originally declared, in the ninth article of their original project, that the British possessions from Canada to Florida, including all the islands lying near the continent, in the seas, in any gulf or river, should be without the pale of French conquest, all such countries being reserved to the jurisdic-

tion of the United States, whenever they could be united to the same.

The treaty stipulated, Article V., that "if the United States should think fit to attempt the reduction of *British power remaining in the northern parts of America*, or the islands of the Bermudas, those countries or islands, in case of success, shall be confederated with or dependent upon the said United States." Article VI. renounced, on the part of France, for ever, the possession of the Bermudas, and any portion of the continent of North America, which, before the treaty of Paris in 1763, or in virtue of that treaty, was acknowledged to belong to the crown of Great Britain, or to the United States, heretofore called British colonies, or which at the time of the treaty were or lately had been under the power of Great Britain. Article VII. reserved all conquests in the West Indies to France; Article XI. contained reciprocal guarantees, and the arms of the allies were not to be laid down until the independence of the United States was secured. Events that followed obviated the necessity of the discussion; but it is proper to state that the provisions of the treaty were considered by some as obviously stopping short of the requirements of the clause referred to

in the original project; and it was thought that the ambiguous expression, "British power in the northern parts of America," in addition to the omission of the islands named, instead of the full recital, was meant to leave room for such after constructions as the participation of Spain might require in regard to the Floridas. Arthur Lee,* in a letter replying to Ralph Izard, who had expressed these doubts, states distinctly that the fifth article originally stood, "Si les Etats-Unis jugent apropos de tenter la conquête de la Canada, de la Nouvelle Ecosse, de Terre Neuve, de St. Jean et des Bermudas, ces conquêtes, en cas de succès, appartiendront aux dits Etats-Unis." "Even this," he adds, "did not appear to me adequate to the intentions of Congress. I therefore proposed that it should be as extensive and explicit as was marked out to us in the ninth article of the plan proposed by Congress. My colleagues did not agree with me; and I remember perfectly Dr. Franklin's answer was, that Congress had receded from those claims since, by the concessions directed to be made to Spain. How the fifth article came changed so much from what it was at first I never could learn."

* Diplom. Corresp. vol. ii. p. 406–7. Arthur Lee to Ralph Izard, May 23d, 1778.

Dr. Franklin, whose unwavering confidence in the French court was certainly justified by its efficient and generous support from the recognition of independence to the treaty of peace, may have been right in his reasoning, but a recent and apparently well informed diplomatic historian, in referring to Mr. Gerard's mission to the United States, says, "The American deputies had expressed the desire that the king should engage his co-operation for the conquest of Canada, Nova Scotia, and the two Floridas. But the policy of the cabinet of Versailles considered the domination of England over these three countries, and especially over Canada, as a useful principle of uneasiness and watchfulness for the Americans. The neighborhood of a redoubtable enemy could not but make them feel more sensibly the value they should attach to the friendship and support of the king of France. Mr. Gerard was, therefore, ordered not to make any positive promise relative to the proposed conquests. In case, however, that Congress should make the overture, the minister was authorized to answer that the king would not refuse to concur in the execution of such a plan, but that the incalculable chances of the war did not permit, in such a case, any formal engage-

ments. It was foreseen that in case Congress became too pressing, a decided refusal would give room for suspicion as to the good faith of the French ministry. Mr. Gerard, therefore, was to meet the wishes of the American government, observing, however, that the execution of this article could not be placed in the category of absolute conditions of the next peace."* And it may be added that this policy is perfectly consistent with the opinions expressed in the *Mémoire* of Turgot already referred to. But even assuming this intention as the motive of the changes, it is easy to conceive a state of political affairs—not at all improbable as national relations stood at the time of the treaty—which would justify on the part of France so refined and tortuous a policy. France had obligations to the old world as well as the

* Histoire Générale des Traités de Paix, &c., depuis la Paix de Westphalie, ouvrage comprenant les Travaux de Koch, Schoell, &c. &c., par M. le Comte de Garden, ancien ministre plenipotentiare. This work is not yet complete—10 vols. only as yet have appeared. It may be proper to state that the account of the treaty of peace of 1783, from which the above extract is taken, is copied almost literally from the introduction to Botta's History of the Revolutionary War—and it is quoted from this work in preference, because as it is the most recent it is the most authoritative. See Tome quatrième, p. 306–307.

new, and the alliance with the United States was a political experiment which called for caution.

It would be gross historical injustice to draw conclusions on such a subject from an American point of view only. And while it is matter of high and just pride that the statesmen of the Revolution felt that they were acting for a vast and potent posterity, and therefore claimed, as their inalienable birthright, all that wide territory which Anglo-Saxon enterprise had rescued from the wilderness, and Anglo-Saxon courage had wrested from the armed hold of feebler pioneers; yet it does not follow that the French ministry was bound to support a policy which belonged rather to the future of the nation's career than to the establishment of that independence which was the main point of the alliance.

But whatever may have been the intention, and although the suspicion did have its effect upon the after negotiations of the peace, the language of the treaty was never so restricted in its application; and without a doubt upon its motives or a censure upon its provisions this treaty stands first in place as in importance upon the roll of American records. In reviewing its spirit and character it is worthy of remark—

fear. France has but few possessions in America; but she was bound to consider that Spain, her most intimate ally, had many, and that she now stands exposed to terrible reverses. From the beginning France has acted against her true interests in encouraging and supporting this independence, and so I have often declared to the ministers of this nation."*

* This *Mémoire* will be found in the Translation of "Coxe's Spain under the House of Bourbon," by Don Andreas Muriel, the sixth volume of which consists of additional chapters by the translator. The language quoted above certainly implies a decided and uniform opinion on the part of D'Aranda in regard to American independence. But as early as 27th January, 1777, long before the French court had looked to this independence as a part of their immediate policy, the Count d'Ossun, then French ambassador at Madrid, in reply to a letter from Vergennes announcing the arrival and propositions of the American Commissioners, makes the following strange statement. It may be proper to add that the letter of Vergennes, to which it is a reply, is accompanied by a paper read to the king in the presence of Maurepas, and by him endorsed approved, in which the French Court declines any closer connexion with the Americans than the supply of secret succors. After stating the approval by the Spanish court of this course, D'Ossun adds, "Cependant comme le Comte d'Aranda a écrit avec une véhémence et une chaleur extrêmes pour démontrer la convenance de conclure sans delai un traité de commerce et d'alliance offensive et défensive avec les colonies Americaines,

The second event to which reference has been made as exciting the hopes of American states-

et d'entrer immédiatement en guerre avec l'Angleterre, M. le Marquis de Grimaldi se propose de différer quelques jours à donner une réponse écrit sur cet objet, parcequ' il veut qu'elle soit appuyé par l'avis du comité et par des raisons assez évidemment solides pour que M. le Comte d'Aranda soit forcé de convenir qu'il a adopté un mauvais système: l'on pourrait soupçonner cet ambassadeur d'être offusqué par des vues personelles, et je ne dois pas vous cacher qu'en proposant ses idées il a mandé à sa cour que celle de France ne les désapprouvait dans le fond, mais qu'elle voulait être poussée." It is certainly difficult to reconcile these facts; to say whether D'Aranda changed his views in consequence "des raisons assez évidemment solides," or whether, finding that he saw too far and too soon, he purposely contracted his sphere of vision. The diplomatic correspondence of the court of Spain has never, I believe, been opened to curious inspection, as both the English and French archives have been. The letter quoted above is taken from the MS. collection of Mr. Sparks, already referred to. Perhaps I could find no more appropriate place to say that it is now practicable, and certainly most desirable, that the Government should obtain from England, France, and Spain, permission to make copies of all those papers in their respective archives which relate to the diplomatic settlement of the Revolution. They are of great interest and absolute importance to our national history. The collection could be made at very moderate expense, if conducted under the inspection of our ministers at these courts, and would perhaps be as profitable employment as our distinguished diplomats could be engaged in.

men, and exercising a large though indirect influence upon the relative position of the belligerents, was the formation of the Armed Neutrality of 1780.* Its history is important under two aspects—first, as affecting the practical combination of European nations, and second, as declaring a new system of maritime law. The treaty of 1763 had, to a great extent, separated England from a continental connexion, and in the war with her colonies she was absolutely without an ally. The treaty between France and the United States, the declaration of war by Spain, the very uncertain temper of Holland, compelled England to renew, if possible, an alliance with some of the European powers. Sir James Harris, afterwards better known as Lord Malmesbury, was despatched to St. Petersburgh to effect, if possible, a political combination. Sanguine, adroit, and bold, he hoped too soon, moved too fast, and

* Flassans, Diplomatie Française, tome vii. Garden's Traités de Paix, tome cinquième, chap. xxi. Diaries and Correspondence of the Earl of Malmesbury. Notices Historiques sur le Système de la Neutralité Armée, et son Origine, par M. le Comte de Goertz. Diplom. Corresp. of the Revolution. Hautefeuille, Droits et Devoirs des Nations Neutres; Discours Preliminaire. Wheaton's History of International Law.

ventured too much; and without paradox it may be said that his very ability disabled him. He found the power of the court divided between Potemkin, a rising, and Panin, a setting favorite. He secured the one, but provoked the other; and although he estimated their positions rightly, he found, to use the apt comparison of Goertz, that if Count Panin was "a star that hastened visibly to its decline, it was still above the horizon, and those even who most desired to see it disappear, still believed that they stood in need of its light." Having obtained, through the influence of Potemkin, two private interviews with the Empress Catharine, he succeeded, after some important concessions, in persuading her to consent to an English alliance. But when he received, in reply to his home-communications, full powers to negotiate such a treaty, he discovered to his mortification that Panin, to whom the English alliance was both politically and personally distasteful, and from whom the preliminary interviews with Catharine had been carefully concealed, had succeeded in undoing his work, and as Foreign Minister was prepared with a formal refusal to negotiate.

As if to remedy his disappointment, how-

ever, news soon arrived in St. Petersburgh of the seizure of two Russian vessels laden with corn and taken by the Spaniards in the Mediterranean. The indignation of Catharine, peculiarly sensitive as to her commerce, blazed out; and, supported by Potemkin, Lord Malmesbury, with great ability, used the fortunate accident to persuade her to demand from Spain peremptory satisfaction, and at the same time to fit out a fleet at Cronstadt to be sent to sea at the first opportunity. These preparations were again carefully concealed from Count Panin, and Lord Malmesbury naturally and joyfully anticipated their inevitable result—an embroilment with Spain and her belligerent allies. Panin soon discovered the extent and direction of this well contrived manœuvre, and defeated it by a policy at once bold and subtle. He expressed deep sympathy with the natural indignation of the Empress at this violation of her neutral rights, but suggested that instead of being an exceptional case needing correction, it proceeded from a false system of public law, against which now was the time to protest. If England agreed with Russia in condemning the seizure, the condemnation by Russia of the principle would be equally

acceptable. He therefore persuaded the Empress to publish a declaration to all the belligerents that such a violation of neutral rights would not be tolerated, and to call upon all the northern and neutral powers to make common cause in defence of the just principles of maritime law. He satisfied her that this was not only conformable to the desire of the English ambassador, but placed her at the head of a great league for a high and worthy purpose. He further induced her to keep her communications to the foreign courts secret until they should have reached their destination. The despatches were written and the couriers started, without any discovery by Lord Malmesbury of the nature of their missives. The Empress indeed informed him that in a day or two such communications would be made to his court as would amply satisfy their desires, and this gracious news he himself hastened to communicate. Great then was the surprise and indignation of the English cabinet when they received from Russia a formal declaration of maritime law contradicting the whole practice of the English government, and striking at the foundation of the system which England had always haughtily maintained, and could at this very juncture least

of all afford to dispense with. Russia demanded that free ships should make free goods—that even the coasting trade of belligerents should be opened to neutrals—that contraband should be limited and blockades stringent. England received the declaration coldly. The northern powers eagerly combined with Russia to form a league in defence of this system, and the belligerents whom Lord Malmesbury hoped to discomfit seized their advantage. Spain made restitution, and in recognising the justice of the new code pleaded the arbitrary violence of England as her excuse for having violated it; while France approved the magnanimous wisdom of the Empress, and readily consented to what, by the ordinances of 1778, she had already enacted in principle as the law of her own marine. Unwilling to abandon principles which she had openly avowed and always acted upon, England saw her last hope of a continental alliance destroyed by this European league. Irritated by Holland's evasion as to her treaty obligations, and the adhesion of that republic to the armed neutrality soon after, England declared war against the Dutch. The practical result of the armed neutrality therefore was to add one more to the open enemies of England,

and to render still more impracticable any compensating alliance. In this view it was certainly to the United States an event of great importance.

Considered as a declaration of a new system of maritime law, intended to guard neutral rights and check the supreme dominion of the English navy, it is far from deserving the importance attached to it at the time. In the first place it took its rise in an accidental intrigue, and was never at any time more than a diplomatic by-play of temporary interest. It passed its short life without activity, and died of natural exhaustion: and the Empress herself judged it rightly when she told Lord Malmesbury that it should be called rather *nullité armée* than *neutralité armée*. The great maritime belligerent powers who acceded to it, never recognised its principles except when convenient, and it did not even reflect the practice of Russia itself. For in a despatch dated 26th May, 1780, Lord Malmesbury says of Admiral Greig, an eminent officer in the Russian service, "As soon as he read the declaration and saw the grounds on which the instructions were to be made, he collected the various sentences which had been pronounced last war in the

Archipelago by the Russian tribunal instituted for that purpose, and at which he frequently presided, on neutral ships. After proving in the clearest manner that they confiscated and condemned Turkish property wherever they found it, and the only prizes they made were such property on board neutral ships, he gave in the whole to Count Czernicheff, signifying that as a faithful and affectionate servant of the Empress he thought himself obliged to set before her eyes, that if she carried her present measures into execution she would act in direct contradiction to herself."*

In the next place the declaration, "free ships, free goods," was not the statement of a principle, but the expression of an interest—an interest as shifting as any of those movable necessities which have always regulated political combinations, never recognised in war by those very belligerents who have declaimed about it in peace. The effort to elevate it into an international law has been only a struggle to legalize one sort of selfishness at the expense of another; and such a rule can take its place only in a system which, in the emphatic language of Sir Wm.

* Malmesbury's Diaries, &c., vol. i. p. 264.

Scott, "if it is consistent, has for its real purpose an entire abolition of capture in war—that is, in other words, to change the nature of hostility as it has ever existed among mankind, and to introduce a state of things not yet seen in the world—that of a military war and a commercial peace."*

The Congress of the United States, however, fancied that they saw in the sentiment of this purely selfish coalition, indication of such a general liberality of political judgment as would respond to the spirit of their resistance. Although discouraged by the more sober wisdom and better information of the French court, they expressed in strong resolutions their approbation of the code of the neutrality, forwarded these resolutions through Mr. Adams to the various courts who had entered into the league, and finally, on December 19, 1780, despatched Mr. Francis Dana as minister to St. Petersburgh. In their instructions they say to him, "You will readily perceive that it must be a leading and capital point if these United States shall be formally admitted as a party to the convention of the neutral maritime powers for maintaining the freedom of commerce.

* Judgment of the High Court of Admiralty upon the Swedish convoy, in the case of the ship Maria, Paulsen, master.

This regulation, in which the Empress is deeply interested, and from which she has derived so much glory, will open the way for your favorable reception, which we have greater reason to expect, as she has publicly invited the belligerent powers to accede thereto."*

One would have supposed that the maintenance of their own freedom was quite enough for the attention of Congress; and it was, to say the least, a broad interpretation of Catharine's invitation to suppose themselves included under the term belligerents. But it must be said for the statesmen of that day, that they never forgot what they intended to be; and the uniform language of their diplomacy was bold even to what their circumstances might have stigmatized as presumption. But the anxiety with which they sought to introduce themselves into the affairs of Europe was ample evidence that they did not intend their independence to be isolation. They had resolved to be one of the nations of the earth—one to whom the politics of the world were to be matter of practical interest, and they considered their commerce as the means of direct connexion. It will be now generally admitted that any partici-

* Secret Journal of Congress, vol. ii. p. 358.

pation by the United States in this coalition would have been a useless complication of their affairs, serving no national purpose and contributing to no general good. The opportunity, however, was never offered; for Mr. Dana's efforts, however able, were very useless. His presence in St. Petersburgh resulted only in affording Lord Malmesbury the small triumph of preventing his public reception by Russia, even after the acknowledged independence of the United States, and enabling him to close his career of disappointment at that court by trusting that he had "suspended the appearance of the *American agent* here in public, till such time as it may take place without having any disagreeable or extraordinary effect."*

The third event which had an important influence upon the fortunes of the United States was the Treaty with Holland. The neighborhood and trade of the Dutch West Indies—the large commerce, vast capital, and banking character of Holland, rendered an alliance with the Netherlands more important to the United States than any European connexion after that with France.

* Malmesbury's Diaries, &c., vol. i. p. 506. Despatch to Lord Grantham, March 11, 1783.

But the aversion to war—always strong in a nation of capitalists—the traditionary, and almost inevitable influence of England, and the personal connexions and dispositions of the Stadtholder, combined to make the negotiation apparently hopeless. A change, however, in the temper and policy of the Netherlands was gradually and even speedily approaching. The jealousy of French power, which had been from their independence one of the first principles of the politics of the United Provinces, had, in the progress of years, become first unnecessary and then mischievous. For the maritime development of England, in unsettling the old balance of power, naturally modified the relations of the continental states, while the apathy of Louis XV. and the condition of France on the accession of Louis XVI., served rather to point the moral of Louis XIV.'s exaggerated ambition than to suggest the chance of even a distant imitation. The policy of the French court adapted itself to its necessities, and the Duc de Vauguyon was sent to the Hague in 1776 to conciliate the popular sentiment, undermine if possible the influence of the Stadtholder, and by a prompt extension of commercial privileges recommend the French alliance to the

mercantile interests of the country.* Using with great skill the political divisions of the time, he succeeded in making of the popular and Stadtholderian parties respectively French and English parties. The anxiety of the Dutch to preserve their strict neutrality, and become the common carriers of the belligerents, suited neither France nor England; and they were in consequence placed between a cross-fire of retaliatory legislation, from which escape was absolutely necessary. The demand by England for efficient aid under the treaty stipulations of 1674 and 1715—the energetic and practical manner in which that power sought to enforce her demand—the imperious tone of Sir Joseph Yorke's communications—the hope of sheltering themselves under the protection of the armed neutrality, determined finally the course of the United Provinces, and the Duc de Vauguyon succeeded in breaking the old connexion, and was gratified by seeing England and her old and only ally at war. American affairs had no small part in this result.

In September, 1782, John Adams, then minister of the United States at the Hague, speaking of the Duc de Vauguyon, says, " He is an amiable

* Flassans, Diplomatie Française, tome vii.

man, whom I esteem very much. He is able, attentive, and vigilant as a minister; but he has been under infinite obligations to the United States of America and her minister, for the success he has had in this country. Nothing on this earth but the American cause could ever have prevented this republic from joining England in the war, and nothing but the memorial of 19th April, 1781, and the other innumerable measures taken in consequence of it by the same hand, could ever have prevented this republic from making a separate peace with England. The American cause and minister have done more to introduce a familiarity between the French ambassador and some leading men here than any other thing could; and if anybody denies it, it must be owing to ignorance or ingratitude. It is at the same time true, and I acknowledge it with pleasure and gratitude, that our cause could not have succeeded here without the aid of France. Her aid in the East and West Indies, and upon the barrier frontiers; her general benevolence and concert of operations, as well as the favorable and friendly exertions of her ambassador, after the decisive steps taken by me, contributed essentially to the accomplish-

ment of the work."* Making all fit allowance for the natural exaggeration of his own services by a statesman, who placed a just, but at that time apparently extravagant estimate on his country's importance, and who was always sensitively alive to his own personal consequence and influence in the conduct of affairs, there is still much indisputable truth in this statement. For it must be recollected that the task of the French minister was specially delicate and difficult. He had to overcome old national prejudices, and manage old and obstinate interests. And that the French court never fully comprehended the importance of the American interest in Holland, nor the extent of Mr. Adams's influences, is apparent from the very striking fact, that as late as January 29, 1782, within a few weeks of the formal reception of the American minister by the United Provinces, and when that recognition might be considered as settled, and waiting merely the execution of certain formalities, the Count de la Luzerne, in an official communication to Robert R. Livingston, then Secretary for Foreign Affairs, stated, "that in a letter of October 20, 1781, from the Count de Vergennes

* Diplom. Corresp. vol. vi. p. 386.

to the minister of France, it is observed that the United Provinces would not embarrass themselves at present by an alliance with us: that in this they will follow the example of Spain: that, however, it will be prudent to keep an agent in Holland and direct him to advise constantly with Dr. Franklin, that we may observe some consistency in our politics."*

In fact, during the year 1778, and before the French minister can be fairly considered as having established his influence, the plan of a treaty was discussed and determined between Van Berkel, the Pensionary of Amsterdam, and William Lee, then on a sort of vagrant mission in Europe, and to the continued support of that city much of the success of the final treaty must be attributed. The treaty itself negotiated, or rather prepared for negotiation by Van Berkel and Lee, had no directly practical result; for while on the one hand Lee, having been sent to Vienna and Berlin, was not authorized by his commission to sign such an instrument, it was on the other at furthest but the expression of opinion by one province which could not, under the

* Diplom. Corresp. vol. xi. p. 60. Sec. For. Affairs to Pres. of Congress.

laws of the republic, negotiate treaties of itself. This negotiation was secret, and only discovered when the unfortunate capture of Henry Laurens, in August, 1780, put his papers into the hands of the British authorities. As Mr. Laurens was then on his way to Holland for the purpose of completing the negotiation, it was necessary to supply his place, and Mr. Adams was commissioned in December of the same year as minister to the United Provinces. It was not, however, until the misunderstanding between England and the United Provinces had made considerable progress, and had been still further complicated, that the joint influence of the French and American minister succeeded in effecting the purpose of Mr. Adams's mission. But after some delay and many perplexing difficulties, early in 1782, the Provinces, one after another, consented to the public recognition of Mr. Adams. On the 22d April, 1782, as a recognised minister to the republic, he was introduced by the Chamberlain to his most serene highness the Prince of Orange, and had the satisfaction of receiving in reply to his speech of ceremony "an answer so low and so indistinctly pronounced that I comprehended," says he, "only the conclusion of it, which was

that he had made no difficulty against my reception." In the October following Mr. Adams had the higher satisfaction of signing a treaty of alliance between "their high mightinesses the States General of the United Netherlands and the United States of America."*

The struggle of the Netherlands to maintain a profitable neutrality; the unceasing efforts both of France and England to involve the United Provinces in the consequences of their own belligerent position; the further complication of an already much perplexed negotiation, by the sudden formation of the neutral league; the direct activity, for the first time, of American affairs in accelerating or retarding European combinations, all contribute to make this Diplomatic conflict the most interesting of its time. But it would be impossible to describe its rise or progress without republishing its whole correspondence, and even then it would be almost impossible to determine the respective value of the various elements which made and modified its result. That result was to the United States of the first importance. It was the first successful negotiation they had conducted since the re-

* For this treaty see Secret Journal of Congress, vol. iii.

cognition of their independence, and it weakened materially the position of the British government; for the defection of the Netherlands was a loss of both moral and physical strength. It not only shut the continent against hope of support, but indicated even more strongly than the armed neutrality a change in the spirit of political combinations, and pointed conclusively to the necessity of a redistribution of the balance of power so effectually disturbed by England's commercial greatness. It also brought to the United States not merely the moral support of another government, but the substantial aid of a large and liberal loan. But there was one point of view in which the treaty with the Netherlands was of higher importance than the money with which it replenished a shallow treasury. The United States felt that in this treaty they negotiated of themselves as equals with equals. In the alliance with France they had indeed sacrificed neither pride nor interest, but they were obliged to feel the protecting character of its provisions. Disguise it in what language diplomacy might, the aid of France was bestowed, generously it is true, but to some degree charitably. Now in the treaty with Holland they knew that they con-

tributed in no small degree to wider interests than their own. More confirmed in their power, more cognisant of the value of their connexion, they felt not only that they negotiated on more equal terms, but that the result of their negotiation had a distinctive value in the eyes of the world. The progress of affairs justified their opinion. The detection of Van Berkel's treaty in Laurens's correspondence, and the imperious demand by England for ample and prompt satisfaction, contributed effectively to the assistance of the French ambassador; and the conduct of their own minister, although at times disapproved by Vergennes, had by its boldness and ability attained its object, even when the experienced and friendly judgment of the French court had pronounced it unattainable.

The treaty, therefore, was justly regarded as a recognition of the United States, on grounds not altogether dependent upon their alliance with France: it was a step onwards in their independent national existence. This feeling runs through the whole of John Adams's correspondence. The two things that most annoyed him in his diplomatic career were the general deference given, both in Europe

and by Congress, to Dr. Franklin's advice, and the subordination of the American ministers to the discretion of the French court always recommended in the instructions of his government. Acting by himself at the Hague he escaped the one, and he succeeded in tempering the other into a mutual exchange of equal and independent counsel. Determined to act for the United States as an independent nation, and not merely as an ally of France, in his negotiation with the Netherlands, he counselled with deference but acted with energy; he listened willingly to all opinions, but when it was time decided on his own. During his stay in Holland he did much to diffuse just and high notions of his country as it was and was to be. By his great intelligence and manly bearing he pleased many great people and conciliated many great interests; and his diplomatic career, if sometimes warped by vanity, was ever unstained by selfishness. His treaty with Holland is a noble testimonial of the worth of his judgment and the boldness of his patriotism; and in view of its real consequence, the most censorious critic of human motives may read with sympathy the despatches in which, with very excusable pride, he repeats the esti-

mate of foreign ministers on his work; how one told him, "Sir, you have struck the greatest blow of all Europe. It is the greatest blow that has been struck in the American cause, and the most decisive;" and how another said that "Mr. Adams was the Washington of negotiation."

CHAPTER IV.

NEGOTIATIONS FOR PEACE WITH ENGLAND.

BEFORE the conclusion of the French treaty, the British government had, by the repeal of the Stamp Act, the proposition of Lord North to allow the colonies to tax themselves, and finally, the mission of the five Commissioners, made ineffectual efforts to conciliate the colonies to their old allegiance. The ratification of that treaty did not, however, destroy all hope; and soon after its declaration, David Hartley, with the knowledge and approbation of Lord North, opened an informal correspondence with Franklin, who had been commissioned sole plenipotentiary at the French court. On 22d April, 1779, he wrote to Franklin, inclosing a scheme of negotiation, with this preface: "Lord North consented to Mr. Hartley's proposition, for endeavoring to procure from the American plenipotentiary or plenipotentiaries, some opening that they would be willing to commence a parley on propositions of peace between Great

Britain and America; and supposed the terms which Mr. Hartley had in view, would be something like a tacit cession of independence to America, with a truce for a certain term of years, to serve as a basis for a general treaty of accommodation and final settlement."

The points of the negotiation were a long truce, a suspension of all acts of parliament respecting America, for the same period, and "that America should be released free and unengaged from any treaties with foreign powers which may tend to embarrass or defeat the present proposed negotiation."* This third preliminary was enough in itself to check all possible discussion: for, as Franklin said in reply, "When you come to treat with both your enemies, you may negotiate away as much of these engagements as you can; but powers who have made a firm, solid league, evidently useful to both, can never be prevailed with to dissolve it for the vague expectation of another *in nubibus;* nor even on the certainty that another will be proposed, without knowing

* Flassans, Diplomatie Française, tome vii. Garden's Traités de Paix, tome iv. Secret Journal of Congress, vols. iii., iv. Life of John Jay, Arthur Lee, &c. Diplomatic Corresp. Revolution.

what are to be its articles. America has no desire of being free from her engagements to France. The chief is that of continuing the war in conjunction with her, and not making a separate peace; and this is an obligation not in the power of America to dissolve, being an obligation of gratitude and justice towards a nation which is engaged in a war on her account, and for her protection, and would be for ever binding whether such an article existed or not in the treaty; and though it did not exist, an honest American would cut off his right hand rather than sign an agreement with England contrary to the spirit of it."* The correspondence of course was not prolonged. But about the same time another negotiation was attempted, much higher in its pretensions and more imposing in its machinery, but in which the elements of failure were as broadly and speedily manifested. When France publicly declared the treaty with the United States, Spain felt that the time was come for decided action. The connexion between the crowns carried with it political consequences that it was difficult to avoid; but still she hesitated. In presence of the reality of war, she determined

* Diplom. Corresp., vol. iii. p. 80.

to make one more effort for peace, and offered herself as mediator between France and England.

On the 9th of February, 1779, Monsieur Gerard addressed the president of Congress as follows: "The undersigned, minister plenipotentiary of France, has received a formal order from the king, his master, to make known to Congress, that the King of Spain, in order to put an end to the tergiversations of England, has determined upon a decisive and peremptory proceeding. His Catholic Majesty has consequently made to the King of England a final offer of his mediation, but with the declaration that it was the last, and that if it was as fruitless as those which preceded, it would only remain to him to perform those duties which his alliance with the king imposed upon him." The letter concludes with an earnest entreaty to Congress, to furnish some person immediately with powers and instructions to assist in the deliberations, and in the conclusion and signature of the treaty, the place of negotiation having been fixed at Madrid. For some months the French minister was constant in his representations, both verbal and written, to Congress, urging upon them the propriety of

not only instructing a minister, but of so instructing him as to conciliate and strengthen the Spanish mediation. In July he informs them, that "the court of London, showing on one side dispositions to a reconciliation with France, rejects on the other side the very idea of a formal and explicit acknowledgment of the independence of the United States, which his most Christian Majesty perseveres to hold up as a preliminary and essential condition! And in a conference in explanation of this communication, had with the committee of Congress, Mr. Gerard, after repeating that the British ministry reject with haughtiness the formal acknowledgment of the independence insisted on by France and Spain, goes on to point out the difficulties in the way of such express recognition; and referring to the language of the treaty, in which the respective parties "mutually engage not to lay down their arms, until the independence of the United States shall have been formally or tacitly assured by the treaty or treaties that terminate the war," he adds, "This substantial alternative in an engagement which is a mere gratuitous gift, without any compensation or stipulation, ought indeed never to be forgotten in a negotiation for peace. France foresaw the

extreme difficulties which a formal and explicit acknowledgment might meet with. She knew by her own experience in similar contests in which she has been deeply concerned, respecting the republics of Holland, Genoa, and the Swiss Cantons, how tenacious monarchs are, and how repugnant to pronounce the humiliating *formula*. It was only obtained for Holland *tacitly*, after a war of thirty years, and explicitly, after a resistance of seventy. To this day Genoa and the Swiss Cantons have obtained no renunciation or acknowledgment, either tacit or formal, from their former sovereigns; but they enjoy their sovereignty and independence only under the guarantee of France. His court thought it important to provide that difficulties of this nature, which consist merely in words, should not delay or prevent America from enjoying the thing itself."* But before Congress had determined their course, or prepared their instructions, the question was settled by the rejection of the Spanish ultimatum, England refusing to allow that the colonies should be treated as independent in fact during the continuance of the truce, which formed the main feature of the

* Diplom. Corresp., vol. ix. p. 319.

mediating project: and a letter from Vergennes, dated June 29th, 1779, informed Congress, that on the 18th of the same month the Spanish ambassador had quitted London.

It can scarcely be supposed that either the court of London or that of Madrid was hopeful of a different issue. The after conduct of Spain certainly exhibited no eagerness to recognise the independence which she made the basis of the mediation, and a much severer experience was needed to convince the British ministry, that the time had come for an unconditional surrender. The declaration of war by Spain very speedily followed the withdrawal of her ambassador. Convinced, however, that whatever grievances the court of Spain preferred against England, she still reluctantly consented to their amalgamation with the colonial issue, the British ministry thought it not impossible to negotiate a separate peace with the government at Madrid. In May, 1780, therefore, they attempted to sound the views of Spain through Sir John Dalrymple, who obtained permission to pass through Spain ostensibly for the health of his family. While at Madrid he took occasion to submit to the ministry a plan prepared some time before by

Lord Rochford, for a coalition between all the colonial powers of Europe, guaranteeing their respective American possessions, making certain concessions to the colonial legislatures, and providing for a mutual freedom of commerce between these joint owners of the New World. This project, a copy of which was obtained and forwarded to Congress by their minister, seems to have met but little acceptance, for in his dispatch of May 26th, 1780, Mr. Jay says that Count Florida Blanca spoke of Sir John and his project "very properly, and concluded with assurances of the king's firmness." Sir John Dalrymple was soon followed by Richard Cumberland, who, accompanied by the Abbé Hussey, obtained leave from the Spanish authorities to proceed through Spain on his way home. Mr. Cumberland, though of course not formally commissioned, was the accredited agent of the British ministry; and his object was to discover the means, if practicable, of detaching Spain from the French alliance. It would be useless to dwell upon the details of a negotiation which proved a signal failure; for he arrived about June, 1780, and, according to Mr. Jay's despatches, was on his way home again in April,

1781. "I much suspect," says Mr. Jay, "that he was sent and received from mutual views in the two courts of deceiving each other. Which of them has been most successful it is hard to determine." But Mr. Cumberland's presence in Madrid was a serious obstacle to a mediation which offered a better chance of success than the first.

The peace of Teschen, by which the diplomacy of France, in concert with Russia, settled with great ability and fairness the difficulties that had arisen between Austria and Prussia as to the Bavarian succession, and which at one time threatened a general European war, was signed May 10th, 1779. On the 26th of May the Baron Breteuil, who had acted as minister of France at Teschen, informed the Count de Vergennes that in the letter of thanks from the court of Austria to the king of France, which had been submitted to him by Kaunitz, the Austrian prime minister, he was not a little surprised to find an offer of the mediation of the Empress to re-establish peace between France and England.* This desire to play mediator the ambassador attributes rather to an anxiety on the part of Austria to draw near to England, in order to counterbalance the weight

* Flassans, Diplomatie Française, tome vii. p. 301.

of the friendly relations between Prussia and France, than to any eagerness to reciprocate the obligations conferred by the peace of Teschen. The offer, however, had no practical result. But in January, 1781, the court of London communicated to the court of Austria a verbal note, in which the Empress Catharine had offered her mediation for a peace with France. The Emperor replied by expressing his desire to join in the mediation, and immediately informed Louis XVI. of the disposition of the two courts. The answer of France was evasive, and dwelt upon the vagueness of the propositions offered for negotiation—the impossibility of abandoning the point of American independence—the necessity of consulting her allies, and the fact that at that very time England was conducting a secret negotiation in Spain. The court of London accepted the mediation, and desired that a congress should be convened at Vienna. No willingness, however, being manifested by the other belligerents, Austria required as a preliminary the termination of the British negotiation in Spain, and Mr. Cumberland being recalled, Prince Kaunitz and Prince Demetrius Galitzin, the Russian ambassador at Vienna, forwarded on the 21st of May, 1781, to the

ministers of Austria and Russia near the courts of Versailles, Madrid, and London, a formal offer of their mediation, accompanied by certain articles to serve as the basis of negotiation. These propositions, as far as the United States were concerned, were: That the re-establishment of peace in America should be negotiated between Great Britain and the American colonies without the intervention of the other belligerents, or even of the two imperial courts, unless their mediation should be formally asked; but that the treaty so negotiated should be signed conjointly with that of the other powers: that the mediators should be certainly informed of the progress of this negotiation, in order to regulate their negotiations with regard to the other belligerents, and both pacifications were to be solemnly guaranteed by the mediating courts and every other neutral power whose guarantee the belligerent parties should think proper to claim. During this negotiation a truce was to be established on the principle of the *statu quo*. Thus there were to be two distinct negotiations; and of course the first and most important question for the United States was, in what character were they to meet the British negotiators?

Upon the reception of this overture Vergennes informed Mr. Adams, who was then in Holland empowered to negotiate a peace whenever the opportunity offered, that his presence in Paris was desirable; and upon his arrival the propositions were submitted to his consideration. On July 13th, 1781, he furnished Count Vergennes with the result of his reflections. After considering one or two preliminary points he says, "After all, the greatest difficulty does not lie in anything yet mentioned. The great question is, in what character are the United States to be considered? They know themselves to be a free, sovereign, and independent state, of right and in fact. They are considered and acknowledged as such by France. They cannot be represented in a congress of ministers from the several powers of Europe, whether their representative is called ambassador, minister, or agent, without an acknowledgment of their independence, of which the very admission of a representative from them is an avowal. Great Britain cannot agree with their representative upon a truce, or even an armistice, without admitting their freedom and independence. As there is upon earth no judge of a sovereign state but the nation that composes

it, the United States can never consent that their independence shall be discussed or called in question by any sovereign or sovereigns, however respectable; nor can their interests be made a question in any congress in which their character is not acknowledged and their minister admitted. If, therefore, the two imperial courts would acknowledge and lay down as a preliminary the sovereignty of the United States, and admit their minister to a congress, after this a treaty might be commenced between the minister of Great Britain and the minister of the United States relative to a truce or peace and commerce in the manner proposed, without any express acknowledgment of their sovereignty by Great Britain until the treaty should be concluded. The sovereigns of Europe have a right to negotiate concerning their own interests, and to deliberate concerning the question whether it is consistent with their dignity and interests to acknowledge expressly the sovereignty of the United States, and to make treaties by their ministers, in a congress or otherwise, and America could make no objection; but neither the United States nor France can ever consent that the existence of their sovereignty shall be made a question in

such a Congress: because, let that Congress determine it as they might, their sovereignty, with submission only to Divine Providence, never can and never will be given up."* In conclusion he states, that as representative of the United States he would agree to the congress, but that his instructions prevented his consent to the armistice and *statu quo*.

This negotiation dragged along for some time with no prospect of ultimate success. The Count de la Luzerne, who had succeeded Mons. Gerard as minister plenipotentiary in America, informed Congress regularly of its progress. On September 21st, 1781, he communicated a letter from Vergennes, dated April 19th, which stated, "That when this letter was written the court had received information of the sentiments of the court of London with regard to the United States. The Count of Vergennes mentions that in the act by which the court of London accepts the mediation of Russia and requests the mediation of the Emperor, she declares that she is ready to make peace *as soon as the league between France and her revolted subjects shall be dissolved.* That this pretension had met from the court of France

* Diplom. Corresp., vol. vi. p. 104.

the contempt which it deserved. She, on her part, declared that if this proposition contained the last determination of England it would be in vain to think of peace, and she had desired the English to give a positive answer on the two questions above mentioned. That this declaration had been exactly transmitted by the court of Vienna to that of London; and the result of the answer made by that court to the Imperial Majesty, is '*that in all points to be agitated in a future congress England will behave with great equity and condescension, but the dependence of her rebel subjects in America must be pre-established, and that this matter must be left entirely to the care of Great Britain.*' That it is easily to be perceived that while these things remain in this situation there can be no possibility of a mediation or peace." And although there was much diplomatic discussion and an exchange of many diplomatic acts, the reply of the court of France to the mediators, dated January 28th, 1782, may be considered as putting that negotiation at rest. "In this state of things," says that letter, "the king thinks that the conference proposed by the two mediating powers would be useless, and that the meeting of the respective plenipotentiaries would be a useless

show, which would neither diminish nor abridge the horrors of war, and might compromise the dignity of their majesties."

In the mean time, however, Congress, in consequence of the earnest representations of the French minister, had joined Benjamin Franklin, John Jay, Henry Laurens, and Thomas Jefferson with Mr. Adams, thus forming a Commission to whom were intrusted full powers to settle the terms of a general pacification. The instructions by which they were to be guided, were adopted June 15th, 1781, and deserve to be quoted in full:

"You are hereby authorized and instructed to concur, in behalf of these United States, with his most Christian Majesty in accepting the mediation proposed by the Empress of Russia and the Emperor of Germany. You are to accede to no treaty of peace which shall not be such as may, 1st, effectually secure the independence and sovereignty of the thirteen states according to the form and effect of the treaties subsisting between the said States and his most Christian Majesty; and 2d, in which the said treaties shall not be left in their full force and validity. As to disputed boundaries and other particulars, we

refer you to the instructions formerly given to Mr. Adams, dated August 14th, 1779, and October 18th, 1780, from which you will easily perceive the desires and expectations of Congress: but we think it unsafe at this distance to tie you up by absolute and peremptory directions upon any other subject than the two essential articles above mentioned. You are therefore at liberty to secure the interest of the United States in such manner as circumstances may direct, and as the state of the belligerent and mediating powers may require. For this purpose you are to make the most candid and confidential communications upon all subjects to the ministers of our generous ally, the king of France: to undertake nothing in the negotiations for peace or truce without their knowledge and concurrence; and ultimately to govern yourselves by their advice and opinion, endeavoring in your whole conduct to make them sensible how much we rely on his Majesty's influence for effectual support in everything that may be necessary to the present security or future prosperity of America. If a difficulty should arise in the course of the negotiation for peace from the backwardness of Britain to make a formal acknowledgment of our

independence, you are at liberty to agree to a truce, or to make such other concessions as may not affect the substance of what we contend for; and provided that Great Britain be not left in possession of any part of the thirteen United States."*

These instructions will be specially referred to hereafter.

The British ministry, having become satisfied of the impracticability of the proposed mediation, made, not all to the satisfaction of the mediators, independent but informal advances towards a final negotiation. Both the French minister, and the American Commissioners then in Europe, were indirectly approached, with a view to ascertain the prospect and means of a settlement, and perhaps in the hopes that one or other of the belligerents might be tempted into a separate negotiation. After long and ambiguous conversations, and innumerable suggestions which it would be almost impossible to reduce to a clear and continuous narrative, it became evident that the allies would never negotiate separately; that the language of Vergennes and Franklin was explicit and identical: and a change in the

* Secret Journals of Congress.

British ministry having removed some of the difficulties in the way of the court of London, the first formal step was taken towards a treaty. Towards the end of March, 1782, Lord North resigned, and the Marquis of Rockingham came in as first Lord of the Treasury, with Lord Shelburne and Mr. Fox as Secretaries of State. The Rockingham and Shelburne sections of the Whig party differed, among other things, in their view of the American question: the former considering the colonial contest hopeless, and being ready to recognise in its fullest extent the independence of the United States: the latter retaining still a hope that some modification of this absolute surrender might be obtained. The real condition of affairs, however, made this difference a matter of very slight concern to the Americans or their allies.

Early in the spring of 1782 Mr. Oswald, on the part of the British ministry, had several informal conferences with Vergennes. The negotiation was then transferred to Mr. Thomas Grenville, a brother of Lord Temple, and son of the author of the famous Stamp Act. In his hands it assumed a more official character. It was agreed between Vergennes and himself

that the negotiations should be conducted on the following bases. 1. That England was ready to treat at the same time with all the powers implicated in the war. 2. That his Britannic majesty proposed to recognise and declare directly the independence of the United States, so that this object should no longer be considered a conditional clause in the future general pacification. 3. That the treaty of 1763 should be the starting point of the French negotiation, to be modified in the consequent discussions in regard to the East Indies, Africa, the Newfoundland fisheries, and as to some commercial arrangements between the two nations in Europe. And Mr. Grenville received from his court full powers to proceed to the adjustment of a treaty.

While these arrangements were pending the Marquis of Rockingham died. He was succeeded immediately by Lord Shelburne; and Mr. Fox having resigned, Mr. Thomas Townshend filled his place. Mr. Grenville, whose full powers had occasioned some discussion, their terms not seeming to Count Vergennes ample enough to include all the belligerents, was recalled, and his place supplied by Mr. Fitzherbert. The bill enabling the king to consent to the independence of the colonies was

passed, and on the 25th of July, 1782, the first commission was executed to Richard Oswald, empowering him to conduct the British negotiation with the United States. Before entering upon the details of the negotiation it is necessary to consider:

First, The extent and nature of the informal conversations between Mr. Oswald and Dr. Franklin.

Second, The opinions of the American Commissioners when they assembled upon the condition of the negotiation.

Third, The character of the instructions under which they acted.

First: In April, 1782, Mr. Oswald brought to Dr. Franklin letters from Lord Shelburne and Henry Laurens; and from that time until the arrival of his commission, there were informal but regular conferences between them. The only two propositions, however, which seem to have taken any shape in the discussions, were, the relinquishment of the Canadas to the United States on the one side, and reparation to the loyalists on the other. And it is rather singular, that the first suggestion of reparation should have proceeded from Dr. Franklin; an inadvertence which he himself repels in his diary, and which he cer-

tainly never tolerated in the negotiations afterwards. These conversations, which were sometimes had with Mr. Oswald and sometimes with Mr. Grenville, and which were always communicated to Vergennes, prepared the way for negotiating, without, however, ever specifying any tangible propositions. The most important of the communications was that of Mr. Grenville, that instead of offering the recognition of the United States, on the condition that things should be restored to their situation in 1763, as he was at first instructed, and which would have made the surrender of the French West Indian conquests the price of American independence, he was authorized to recognise the independence of America absolutely, and to propose to France as an independent question, the basis of 1763. And the chief result of these conferences was that the British ministry were convinced, that while the United States would not negotiate without France, France would not suffer the independence of her ally to be negotiated through her instead of directly with themselves —a necessity which England would gladly have avoided. Lord Shelburne offered to confer upon Mr. Oswald such character as the American Com-

missioners might desire; and as Dr. Franklin had been much impressed with the honesty and ability of that gentleman, another result of these informal preliminaries was, that the negotiation with America was conducted by a special minister, instead of being jointly managed with the French discussions—a result the advantage of which the sequel manifested. These proceedings were regularly communicated to Jay, Adams, and Laurens, but neither they nor Dr. Franklin seem to have trusted very confidently to the intentions of the British ministry. The effort which had been made not long before, through the agency of a Mr. Forth, to entice France into a separate negotiation, while approaches were made to the American Commissioners for the same purpose, and the anxiety manifested by the British ministry to obtain some direct communication with Congress through Sir Guy Carleton, aroused their suspicions.

Second: When the Commissioners met, although there could not be said to exist between them any serious difference of opinion, yet each had gone through his own diplomatic experience in Europe, and each had received special impressions as to the temper and course of the negotiat-

ing powers. Dr. Franklin's opinion was simple and strong. He was satisfied that the French court had, from the beginning, acted efficiently and generously towards the United States. He believed that its interests were in a great measure the same as his own; he did not rate very highly the importance attached by the powers of Europe to the new republic; and feeling assured that the French ministry understood far better than he could, the complicated relations of European politics, at the same time that he entertained implicit confidence in their desire to do the United States justice, he was ready on all occasions to defer to the judgment of Vergennes, and in obedience to his instructions, to act only with his full knowledge, and in consequence of his approbation. His whole diplomatic career had served to strengthen these convictions. In Paris, from the commencement of the American negotiations, he had been the most conspicuous representative of his country, preceded in his arrival by a scientific reputation which no diplomatic success could elevate, but which diplomatic failure might diminish; persuaded honestly that the great cause of his country would surely be effected by influences which human wisdom could do very little either to retard or accelerate;

and conscious, it must be added, as no other public minister seemed conscious, of the extent, spirit, and difficulty of the aid which France was furnishing, Franklin's language to Vergennes was always that of entreaty and conciliation. He spoke like one asking a favor, and not exchanging a benefit. "This is," as he says in one of his dispatches to Mr. Livingston, "really a generous nation, fond of glory, and particularly that of protecting the oppressed. Trade is not the admiration of their noblesse, who always govern here. Telling them their *commerce* will be advantaged by our success, and that it is their *interest* to help us, seems as much as to say, help us and we shall not be obliged to you. Such indiscreet and improper language has been sometimes held here by some of our people, and produced no good effects." [The consequence of all this was, that conscious of the rectitude and even generosity of their intentions, the French ministry preferred to conduct their communications through the minister who best understood, and most justly appreciated them.] Franklin was therefore the person to whom they always applied, and to whose authority and opinions the French ambassador in the United States always referred. And this was done at times with mani-

fest injustice to his colleagues. Even in negotiating the treaty of 1778, this impolitic preference was exhibited and carried so far, that communications were made to Franklin with the express condition that they were not to be imparted to his colleague Arthur Lee. And although it is impossible to understand how this was permitted, even by Franklin himself, yet after the signature of the treaty, and his appointment as sole minister at the court of Versailles, Mr. Gerard ventured to use the following extraordinary language to Congress, in acknowledging that appointment: "The personal character of Dr. Franklin will enable the court to act with a frankness becoming the alliance, and *they will have no occasion to withhold any more the secrets which may interest the United States and the alliance.*"* While therefore Dr. Franklin placed implicit reliance in the discretion of the French court, his colleagues not merely differed with him, but, aware of their mutual confidence, were [somewhat disposed to underrate the soundness of his judgment,] on the points where they disagreed.

A more marked contrast to Dr. Franklin than

* Diplom. Corresp., vol. x. p. 317.

John Adams could not perhaps have been found. Eager, impetuous, often wrong, oftener right, but always honest, he considered the independence of the United States a great work in which Providence had called him to play a prominent part. He had studied profoundly and philosophically the capacities of the country he represented, and had an enthusiastic conviction not only of its future power, but of the influence which it might exert in the present condition of political affairs. He looked upon the creation of a great independent maritime nation as an event of the first importance to Europe; and confident in the resolution of his countrymen, he believed it the interest of France and other continental powers to profit by the opportunity. When he asked assistance, it was in the tone of one who offered an equivalent. He had arrived in France after the treaty of 1778 had been negotiated, and his sympathies appeared to be rather with Lee than Franklin. He returned to Europe as minister plenipotentiary to negotiate a peace, and on more than one occasion differed widely with Vergennes as to the course he should pursue. At one time when with the best intentions he had volunteered a correspondence with Vergennes, in defence of

certain acts of Congress, which he thought misunderstood, the French minister was so much irritated at the style of his letters as to remind him that Franklin was the only accredited minister at the court of Versailles. When he was commissioned to Holland he again dissented from the policy which the French court thought it wisest for him to pursue; and on one occasion the French minister in Philadelphia was instructed to obtain from Congress a limitation of his discretion. He did not think himself sustained in Holland by the French minister as warmly and promptly as he expected; and when he left the Hague for Paris to meet the Commissioners, he had just succeeded in negotiating a treaty with the Netherlands, which the French court had openly told Congress he could not succeed in obtaining. He had taken up the idea that France did not wish the independence of the United States too easily and generally recognised—that she desired it should rather appear a favor obtained by French power and conferred with French magnanimity. In his whole correspondence he had expressed himself very freely on this subject, and when he reached Paris, he wrote immediately to Mr. Livingston, "I waited forth-

with on Mr. Jay, and from him learned the state of the conferences. It is not possible at present to enter into details. All I can say is, in general, that I had the utmost satisfaction in finding that he had been all along acting here upon the same principles upon which I had ventured to act in Holland, and that we were perfectly agreed in our sentiments and systems. I cannot express it better than in the words, 'to be honest and grateful to our allies, but to think for ourselves.' I find a construction put upon one article in our instructions which I confess I never put upon it myself. It is represented by some as subjecting us to the French ministry, as taking away from us all right of judging for ourselves, and obliging us to agree to whatever the French ministry shall advise us to, and to do nothing without their consent. I never supposed this to be the intention of Congress: if I had I never would have accepted the commission, and if I now thought it their intention I could not continue in it. 'I cannot think it possible to be the design of Congress; if it is, I hereby resign my place in the Commission, and request that another person may be immediately appointed in my stead."

Mr. Jay, whose mind was eminently calm and

even judicial, and who certainly had none of that personal feeling which breaks out occasionally in the correspondence of Mr. Adams, and which was perhaps natural under the circumstances, might have been expected to see clearly and judge impartially. But he, too, had resented the subordination to French advice which Congress so often insisted on, and upon receipt of his commission had remonstrated very strongly on the subject.* His experience, too, at Madrid had been almost humiliating. Protests of drafts, which he could not by any possibility pay; delays inexcusable in themselves, or aggravated by the trifling apologies that excused them; demands that manifested no sentiment towards his cause but an astute selfishness in calculating its possible advantages, had wearied and disgusted him with European diplomacy. Like Mr. Adams he expected too much from the representative of France, whose conduct was regulated by imperative interests and traditional principles which it was impossible entirely to disregard for the demands of any ally, however cherished; and both, perhaps, overrated French power and un-

* See especially his letter at page 451, vol. vii. Diplom. Corresp., to the President of Congress.

derrated French honesty. On September 18th, 1782, not long after his arrival in Paris, he wrote to Mr. Livingston, "I am persuaded (and you shall know my reasons for it) that this court chooses to postpone an acknowledgment of our independence by Britain to the conclusion of a general peace, in order to keep us under their direction until not only their and our objects are obtained, but also until Spain shall be gratified in her demands to exclude everybody from the Gulf, &c. We ought not to let France know that we have such ideas. While they think us free from suspicion they will be more open, and we should make no other use of this discovery than to put us on our guard. * * * This court as well as Spain will dispute our extension to the Mississippi. You see how necessary prudence and entire circumspection will be on your side, and if possible, secresy. I ought to add that Dr. Franklin does not see the conduct of this court in the light I do, and that he believes they mean nothing in their proceedings but what is friendly, fair, and honorable. Facts and future events must determine which of us is mistaken."

Third: The instructions of Congress to the Commissioners were contained in their dispatch

of July 15th, 1781, in which they referred to their former dispatches of August 14th, 1779, and October 18th, 1780. On August 16th, 1782, they referred to the Secretary for Foreign Affairs a very elaborate report, entitled "Facts and Observations in support of the claims of the United States, not included in their ultimatum of July 15th, 1781," and he was directed to digest, complete, and transmit it to the plenipotentiaries in Paris. Under these instructions the only points made ultimate in the negotiation were:

1st. The absolute and unconditional recognition of American independence.

2d. The preservation in their full validity of the treaties existing between the United States and France.

Besides these, there were three points to be insisted on, and if possible, carried. 1st. The recognition of the Mississippi from its source to the 31st degree of latitude as the western boundary of the United States. 2d. The right of the United States to a full and fair participation of the American fisheries. This right was, if possible, to be expressly stipulated—certainly not to be surrendered. 3d. The impossibility of making restitution in the case of estates forfeited by the

Tories under the revolutionary legislation. The attention of the ministers was also called to the advantages of the cession of Canada and Nova Scotia, and the north-eastern boundary might be left open, within certain limits, to future negotiation.

Throughout these instructions the most perfect and unwavering confidence is expressed towards France; and they declare that notwithstanding the opportunities afforded by the signal and various advantages gained over the common enemy, to enlarge their ultimatum, Congress had determined not to depart from their former resolution, "by which all the objects of their desires and expectations, excepting only the independence of the United States and their alliance with his majesty, are eventually submitted to his councils." A more unqualified surrender of all discretion it is impossible to imagine.

Mr. Jay arrived in Paris on June 23d, 1782. Previous to his arrival, as has been stated, Mr. Grenville had presented his full powers to Count Vergennes. To these it had been objected that they did not include a power to treat with all the allies, and a second commission had been sent,

empowering him to treat with any *prince* or *state* whom it might concern. Under this latter term Mr. Grenville would have included the United States, but Dr. Franklin objected that as at the time his commission was executed the act enabling the king to treat with his former colonies had not passed, and as all prior public acts of the British government denied the character of independent States to the colonies, they could not be comprehended under the term *state* in Mr. Grenville's powers. In the meantime the negotiation with the American Commissioners was transferred to Mr. Oswald, and on the 7th of August, 1782, a commission was signed by the king which, reciting the enabling act, empowered the said Richard Oswald to treat of, consult, and conclude with any commissioners named by the said colonies or plantations, or any body or bodies corporate or politic, assembly or assemblies, or description of men, or person or persons whatsoever, a peace or truce with the said colonies or plantations, or any of them, or any part or parts thereof; the same phraseology being used throughout. Count Vergennes advised that these powers were sufficient, and Dr. Franklin coincided with him. But under this commission Mr.

Jay positively refused to negotiate.* He insisted that the recognition of independence should be a preliminary to any treaty—that the British and American commissioners should meet as the equal representatives of equal nations—that the treaty should be the consequence of independence, and not independence a consequence of the treaty. Finding the American ministers firm—for Dr. Franklin appears ultimately to have acquiesced in Mr. Jay's views—Mr. Oswald exhibited to them the article of his instructions authorizing him, in case "the American Commissioners are not at liberty to treat on any terms short of independence, you are to declare to them that you have authority to make that concession." As not even this was considered satisfactory, Mr. Oswald referred to the ministry for such a new commission as would meet the requisition of the American Commissioners; and on September 21st, 1782, another commission was issued, empowering him "to treat of, consult, and conclude with any commissioners or persons vested with equal

* Mr. Jay prepared a masterly vindication of this position to be submitted to Count Vergennes. It was, however, rendered unnecessary by Mr. Oswald's second commission. It will be found in his correspondence with Congress.

powers, by and on the part of the thirteen United States of America (naming them), a peace or truce with the said thirteen United States," and revoking the old powers.

While these discussions were proceeding, and before the arrival of Mr. Oswald's second commission, Mr. Jay resumed with Count d'Aranda, the Spanish minister at Versailles, the negotiation which had been broken off by his departure from Madrid. Upon the first formal interview he was surprised and indignant to learn that Spain demanded an abandonment by the United States of the line of the Mississippi as a western boundary, and required a division of the western territory, which the interests of the United States could never tolerate. To his further surprise, or rather in confirmation of his first suspicions, he found a disposition in the French court rather against the extent of the American claim. Rayneval, the confidential secretary of the foreign department, submitted for his consideration a *mémoire* on the boundary, recommending what he called a conciliatory line; and almost at the same time the celebrated letter of Marbois, then Chargé des Affaires from France to Congress, was intercepted and published. This letter urged

very strongly the propriety and policy of restricting the American claim on the Newfoundland fisheries; and while Mr. Jay was forming his conclusions from these circumstances, Rayneval was suddenly and secretly sent to London, and the nature and objects of his mission were not communicated to the American Commissioners. Comparing all that he knew with his inferences as to what he did not know, Mr. Jay was satisfied that Mr. Rayneval had been sent to London to encourage the British government to hold out on the fisheries, and to combine with Spain in contracting the western boundary of the United States. Dr. Franklin, unmoved by his representations, fettered by his instructions, and perhaps better informed as to the character of Rayneval's mission, held his faith in the French court unshaken. But Mr Adams, who arrived soon after Oswald's second commission, and while the preliminary articles were under discussion, adopted and confirmed Mr. Jay's suspicions. Notwithstanding these differences, however, the Commissioners acted together with unanimity, energy, and wisdom. After the discussions were fairly opened, the three points on which the British ministry hesitated were: The extent of the

boundaries, the right to the fisheries, and reparation to the loyalists. Two or three sets of articles were suggested, sent over to London, amended, and rejected. The British minister was reinforced by the private secretary of the English premier, Mr. Strachy; and Mr. Fitzherbert, who was negotiating with France, was called into consultation. The question of boundary was, after much debate, first adjusted to the satisfaction of the United States; then, after a more prolonged struggle, the right to the fisheries was admitted; and the negotiation came to a stand upon the English claim of reparation to the loyalists.

Finally, after the British ambassador had exhausted the whole variety of his argument, and the American Commissioners exhibited the immovable character of their refusal, when it seemed that upon this difficulty the whole negotiation must go to pieces, a compromise was agreed upon, which saved the British honor without abandoning the American principle; and on the 30th of November, 1782, the preliminary articles were signed by Richard Oswald on the part of England, and by John Adams, Benjamin Franklin, John Jay, and Henry Laurens,

on the part of the United States. As these pages do not purport to be a detailed history of the negotiation, the character of the articles may be stated generally. The independence of the thirteen states was explicitly recognised. The boundaries of the country were settled, with the Mississippi as the western line; but Canada and Nova Scotia, the possession of which was a favorite idea of American policy, were abandoned, and with them the navigation of the St. Lawrence. The Mississippi was made free to both parties, under the mistaken idea that it touched English territory. The right of the fisheries was admitted, accompanied by special provisions, in accordance with the rights recognised by both parties. Creditors were to meet no lawful impediment in the recovery of *bonâ fide* debts. Congress were to recommend to the several states certain measures of restitution as to confiscated property, and that their laws should be made consistent not only with justice and equity, but with that spirit of conciliation, which, on the return of the blessings of peace, should universally prevail. While agreeing to this recommendation, however, the American Commissioners had all along declared that it was useless

and hopeless. There was to be no further confiscation, a cessation of all hostilities, a restoration of all public and private property, withdrawal of troops, who were not to take away with them negroes or other property, and all conquests made before the arrival of the articles in America were to be restored. To these provisions was added a secret article in regard to the boundaries of the Floridas, if they should pass into British possession.*

In consequence of the temper of the majority of the Commissioners, these negotiations were conducted without the participation and signed without the knowledge of the French court. That this was in direct violation of positive instructions is certain; and it is difficult, even admitting the truth of the suspicions which induced it, to see its advantage. For if the object of France was to combine with England against American interests, they would be surely as thoroughly informed of the progress of the negotiation through the English ministers, as they would in the opposite case by the Americans. It is true that, whether right or wrong, it was calculated to show the world, then watch-

* For these articles see Secret Journals.

ing the negotiations for peace with great interest, that the United States were independent in deed as well as word; that they comprehended thoroughly their own interests, and intended to maintain them; that their gratitude was far from subserviency; and that their place in politics had its own intrinsic value and its special influence. The fact, too, was perhaps significant of a deeper truth, that the alliance with France was at best but temporary, to be controlled, modified, even ruptured by higher and older national necessities. But, without attempting to justify this course, thus much may be said in its extenuation—That, in the first place, it did not change either the relations or obligations of the parties. France could have refused, if necessary, to recognise the terms, and the treaty of 1778 would then have prevented their consummation; while her real ignorance of their nature did relieve her of the necessity of supporting the Spanish claims against the United States, and thus saved her from a position in which she must have failed one and probably offended both. As to the mere violation of instructions, it is a necessity which often presents itself to all agents. Situated as they were, knowing that

communication with their government was impossible, compelled to act promptly, and free from the tenor of their instructions to interpret a special limitation into a general advice, they were bound to attend to their country's interest even against their country's commands. In the general negotiation of which their treaty was only a part, as distinguished a diplomatist as Count D'Aranda followed their example. For he consented, in treating with England, to accept the Floridas in lieu of Gibraltar, without the authority of his court, and as he himself said at the risk of his head. And it should be remembered, in fairness to the Commissioners, that if Mr. Jay and Mr. Adams felt some distrust of the French court, they were not entirely to blame. Vergennes had, on more than one occasion, shown a strong disposition to reduce the American ministers in Europe to very subordinate influence. He had undertaken to effect American independence in his own way, and did not like to scatter explanations of his conduct to every minister of the United States, who crossed his arrangements at other courts. They therefore very often misunderstood where a fuller confidence might have taught them to trust. It would be useless to argue the grounds of the suspicion entertained

by the Commissioners, for it is now known that the object of Rayneval's mission was in regard to questions between France, England, and Spain, as to certain equivalents in restitution of their claims on each other; and the merits of the subject could not, perhaps, after all be better summed up, than in the dignified and impartial language of the Secretary for Foreign Affairs. In acknowledging the receipt of the preliminary articles, he expresses the great satisfaction of Congress at their nature, and then says: "But, gentlemen, though the issue of your treaty has been successful, though I am satisfied that we are much indebted to your firmness and perseverance, to your accurate knowledge of our situation and of our wants for this success; yet I feel no little pain at the distrust manifested in the management of it, particularly in signing the treaty without communicating it to the court of Versailles till after the signatures, and in concealing the separate article from it even when signed. I have examined with the most minute attention all the reasons assigned in your several dispatches, to justify these suspicions. I confess they do not appear to strike me so forcibly as they have done you: and it

gives me pain that the character for candor and fidelity to its engagements, which should always characterize a great people, should have been impeached thereby. The concealment was, in my opinion, absolutely unnecessary: for had the court of France disapproved the terms you made after they had been agreed upon, they could not have acted so absurdly as to counteract you at that late day, and thereby put themselves in the power of an enemy who would certainly betray them, and perhaps justify you in making terms for yourselves."*

Vergennes did complain, but, all things considered, mildly. No difficulty was made, and the preliminary articles were ratified by Congress. Soon after Mr. David Hartley was commissioned by the court of London to adjust with the Commissioners the terms of a definitive treaty of Peace. After expending some months in a fruitless attempt to agree upon a system of commercial arrangements, all idea of a further extension of the treaty was abandoned, and on February 14th, 1784, the definitive treaty, which was but a copy of the preliminary articles, having been signed by the respective plenipotentiaries, was ratified by Congress.

* Diplom. Corresp., vol. x. p. 180.

Thus was consummated the work of the Revolution. Seven years of stern trial had terminated in triumph. In reviewing that period of arduous struggle, the citizen of the United States may feel a just and lofty pride in the achievements of his fathers. In the field and in council they won undying fame. They rest from their labors, and their works have followed them. They were the heroes of their day and generation. They were the conscious founders of a mighty empire, and their names are household words in the mouths of millions of countrymen who have peopled great states, far beyond the limits which in their highest pride they marked as the boundaries of the nation. But there are others to whom a boundless gratitude is justly due. If there is a touching incident in all history, it is that the last act of the oldest and proudest monarchy of Europe was to support into the circle of nations the faltering footsteps of the youngest republic of the world. And though fierce convulsions have shaken the foundations of that ancient kingdom; though the institutions which matured its wisdom and nursed its strength have been swept away before the tide of time; though the long line of its illustrious

sovereigns has been broken in blood, yet is there still one country where the memory of "Old France" is holy, one broad land where the name of the martyred son of St. Louis is blessed by age and reverenced by youth. Whatever may have been his fate in the realm he could not govern, Louis XVI. will never die in American history.

But not to him alone is the glory. If Louis XVI. acted towards the United States boldly and generously, it was under the advice of as faithful a minister as ever served a king. Gravier de Vergennes may be called, without much exaggeration, one of the founders of the republic. Educated from youth in the school of a learned and laborious diplomacy, he was early distinguished for broad observation and clear judgment. At the courts of Portugal, Turkey, and Sweden he had learned practically the wide scope and delicate relations of the European system, its vast combinations, its perplexed interests, its indestructible sympathy. From Sweden he was called to the Foreign department of France, the great centre of this complex machinery. He possessed a comprehensive intellect, a generous spirit, and a tempered sagacity. He found France diminished in strength and depreciated in character.

Unaided, and at times even bitterly opposed, he devoted himself to her restoration. And, as he has been described by one who owned no interest in his fame, "a stranger at court, isolated, without personal influence, and, unlike his two predecessors, sustained neither by the credit of a family nor the force of a party,"* he succeeded. In a little while her armies were re-marshalled and her fleets re-equipped, and at the peace of Teschen he once more placed her on the vantage-ground of her supremacy. He curbed the pride of Austria, administered even justice to the minor powers who appealed to him for aid, and in his dispatches France once again spoke as the arbiter of Europe. He did more. By the alliance with the United States and his influence in Holland he humbled the power of his country's most implacable rival, and effaced the humiliation of the capitulation of 1763. When the American question forced itself on his consideration, he was prepared for its necessities. He did not examine it with fear, nor regard it with mistrust. He looked upon American independence as the balance of England's maritime power, and time has confirmed his judgment. He did

* Etudes Diplomatiques, par Alexis St. Priest.

not treat the question as one of sentiment, but as one of political equivalents. Whatever hesitation he may at first have displayed was the natural caution of a prudent mind dealing with new combinations; the discretion of a statesman who had great interests to preserve as well as great interests to create. He perhaps thought too confidently that the current of events could be guided at his will, and that new and impatient interests would submit their fortunes to the ceremonious wisdom of the old diplomacy. As soon, however, as events manifested their direction, he acted boldly and wisely. He recognised the independence of the United States freely, with no hesitating qualifications or ungenerous conditions: and once recognised, he faithfully performed every stipulation of his treaty. Money was furnished liberally, and men effectively; and through all the chances of war and negotiation he never neglected the interests of his ally, or attempted to use their weakness for a selfish purpose. He generously espoused a great cause, and he nobly sustained it. There have been more brilliant diplomatists, mightier ministers, greater men. But he had the fortune to preside over great events, to act a chief part in one of

those revolutions which introduce a new period of history. His actions were wider in their consequences than even he imagined. He restored to France much of her former glory, and something of her former strength. He introduced a new Empire into the family of nations, and laid the foundations of a vaster balance of power than statesmen had ever yet controlled. With him closed that long succession of renowned statesmen whose names, affixed to the great treaties of modern Europe, are perpetual illustrations of the sagacity and power of old France.

Soon after the peace he died, just before the outbreak of that storm which swept in desolation over the history and honor of his country. He had held the highest place in the most critical times. He had finished his work, and was ready for his repose. For a great man has said, "In place there is license to do good and evil, whereof the latter is a curse: for in evil the best condition is not to will: the second not to can. But power to do good is the true and lawful end of aspiring: for good thoughts (though God accepts them) yet towards man are little better than good dreams, except they be put in act: and that cannot be without power and place as

the vantage and commanding ground. Merit and good works is the end of man's motion, and conscience of the same is the accomplishment of man's rest; for if a man can be partaker of God's theatre, he shall likewise be partaker of God's rest."*

* Lord Bacon.

CHAPTER V.

CONCLUSION.

FROM the famous Declaration of July 4th, 1776, the final independence of the United States became a political certainty. The local interests of the country had so multiplied; its commercial interests had developed such important consequences to the nations of Europe; and it was by distance and extent so effectually protected against the force of even a strong metropolitan government, that it needed independence not merely for its own prosperity, but in order to afford to the powers of the old world a free authority with whom they might negotiate concerning new and growing interests. The position of the future republic was becoming every year a matter of wider and more general political concern. If, therefore, the treaty of 1783 with England had never been effected; if the United States had entered upon their national existence without the recognition of their former sovereign; it can scarcely be supposed that their practical

independence would have been long or seriously impaired. But the fact of its negotiation; the spirit, firmness, and judgment with which the negotiations were conducted; and the character of the treaty itself, were unquestionable advantages of the new government.

The only three essential points in their demands —independence, the boundaries, and the fisheries —had been obtained in their fullest extent; and they presented themselves to the world with an admitted nationality, a vast and continuous territory, and undiminished commercial capabilities. If the war had terminated without the settlement of the questions in dispute, and by the sullen acknowledgment of England's weakness by the withdrawal of the British troops, the United States would have been compelled, in face of this avowed though maimed hostility, to strengthen their position by necessitous alliances. They would have been forced into closer dependence upon France, and perhaps reduced to compromise their western interests in order to conciliate the influence of Spain. As it was, the existence of the Treaty rendered a future alliance with England possible, and this possibility was diplomatic strength in the discussion of any new com-

binations. The internal affairs, too, of the United States required not only peace, but freedom from foreign apprehension. For during the war, domestic interests not easily reconciled had been developed, state jealousies had grown into mischievous activity, and the necessity of some system of general government was becoming every day more apparent to the popular mind. Under the most favorable circumstances, the formation of a federal constitution was beset with difficulties, and although ultimately achieved with wonderful wisdom, yet no one can venture to estimate how the result might have been retarded or altered had England still retained her imperial claim; for there would have been an active enemy to stimulate every partial discontent, exaggerate every sectional prejudice, and ready in each old colony to bid against the proffered advantages of any federal system. The enthusiasm of the war would have been ended, the pecuniary necessities of the country stringent, and local jealousies easily inflamed. The very anomalous relations, too, of the European powers, under which American independence was obtained, would have been broken. For it should never be forgotten that a very unusual

combination of circumstances had in Europe closed the continent against England; and the impossibility of finding an advantageous continental alliance had its full effect in compelling the recognition of the United States by Great Britain. This state of affairs was unnatural, and sure to be terminated at the first general peace; and it was doubtful whether the interests of the United States would occupy as strong a position in any new combination. The armed neutrality was virtually dissolved. Spain was obviously jealous; France was on the eve of a domestic revolution; and the remaining powers of Europe, with the exception of Holland, weakened by the war, had not even recognised the new nation.

Under these circumstances, although it is not likely that any great change in the main result would have been effected, yet it is obvious that England might have used the accidents of an ever varying politics to weaken, annoy, and seriously injure an unformed government. But the chief, the almost inestimable benefit of the treaty with England was, that it rendered both possible and politic on the part of the United States, the adoption of the first great principle of their foreign system—a strict and impartial neu-

trality; for the withdrawal of the British pretensions removed at once the chief cause of national irritation. And although the protracted severities of a seven years' war left behind an intense and vindictive sentiment, the feeling was one which naturally and gradually subsided in the absence of its stimulant, and the country was thus enabled to enter calmly upon the consideration of its duties and interests. With their nationality thus perfected, the United States of America commenced their historical life as essential parts of the world's political system. They felt that they were, and that they were fit to be, equal guardians of those great interests which regulate national relations, and those great laws which govern national action. At the world's council-board it was their right to speak freely, and their intention to speak boldly.

The independence of the United States, however, introduced into history a new power, not a new principle. Their claim of admission into the community of nations was eminently a conservative one, implying a distinct recognition of the justice of the system into which they desired to enter. The theory of international law under which they sought protection was this. For the

great purposes of Providence the world has from all time been divided into independent nations. To the varied action of these separate political societies is due the general advance of humanity towards a higher civilization; and the experience of ages has proved, that the first essential principle of international law is the sacred preservation and independence of individual nations. So long as these nations act within their borders and upon their own subjects, their right of action is absolute and uncontrolled; but so soon as the consequences of their action cross their boundaries, then they are subject to the restraint of others, and according to their character become matter of concern to the community of nations; thus establishing the doctrine of non-interference in all questions of purely domestic interest, and the right of intervention whenever the act of a nation affects general interests.

The ground taken by the American government in their application of these principles to Europe was: The acts of the British government in relation to their colonies have ceased to be a domestic question; the consequences of their conduct are affecting large commercial interests and modifying the balance of national power. You are interested

and authorized to decide.—And the recognition of the United States was a simple declaration that the interests of the world required their independence. But while the United States thus made themselves parties to the general interests of the world's politics, their peculiar situation unquestionably modified the exercise and character of their participation. Although based upon the broad principles of universal justice, that political system, which in Europe was known as the Balance of Power, was in some measure an artificial one. The events of their early history still influenced, in no small degree, the relations of European powers; and there were questions which, taking their rise in old feudal history, had from territorial neighborhood and dynastic connexions assumed an exaggerated importance in European politics: and while the relative value of certain continental connexions was of just consequence to European statesmen, the extension of the old system to America did not carry these questions into this wider political circle. A whole class of intricate problems was thus avoided, and the direct interest of the United States limited most fortunately within two plain categories: 1st. All violations or alterations

of the law of nations; 2d, Any changes in the relative strength of the great maritime powers. As to the first class their interest was obvious. As to the second their position was advantageous. England's colonial interests had for a long time exerted great influence upon her foreign politics, and when the war of the revolution broke out she was the great maritime power of Europe. The United States therefore found themselves, if not immediately yet surely, in the course of a short time destined to be placed, as it were, between England and Europe. There was enough of sympathy between England and America, as two maritime states, to insure a certain cordiality of sentiment and community of interest, while there was also enough rivalry in their positions to guarantee Europe against too close a coalition. The United States then took their places in the world as the inventors of no new political doctrine, as the disturbers of no old political rights, but, like any other nation, to influence and be influenced by the circumstances of the time. Republics were not novelties even in the European system; and the great practical consequence of the recognition of the United States was, simply, that in obedience to that law of progress

which governs all growth, the balance of power must henceforth be adjusted for a wider sphere, for more momentous interests, and for greater ends.

The American statesmen of that day felt the force of their position, and realized that its chief value was, that they could stand securely aloof from the small dissensions of any petty ambition whether of prince or people, and that they could interfere with vigor whenever the great interests of the world should call for vindication. They knew indeed—to use the eloquent language of Gov. Pownall—that "It is not sufficient that the United States feel that they are sovereign; it is not sufficient that the sense of this is universally felt in America; it is not sufficient that they are conscious to themselves that the *punctum saliens*, the source and spring of the activity of sovereign power, is within their system. Until they lift up on high a standard of the nations, it will remain an abstract idea—as a theory in the world at large. This sovereign must come forward among the nations as an active existing agent, a personal being standing on the same ground as all other personal sovereigns. Its powers, commissions, officers civil and military, its claims to and its exercise of the rights of the law of nations, must

have their full and free scope in act and deed. Wherever they come forward, their standard and flag, the ensign of the majesty of their sovereignty, must be erected, and its rights and privileges established among the nations of the earth. It must be acknowledged, respected, and in all cases whatsoever treated as what it is—the actual signal of a sovereign empire."* And all this they achieved in winning their independence. But beneath the protecting shadow of that "actual signal of a sovereign empire" they sheltered no wild sentiment, fostered no mischievous principle of universal democracy. They asked the recognition of their nationality, subject to that old and familiar rule which governs nations as well as men—so to use your own as not to injure another's. Jealous of their own rights, they respected the rights of others. Men of matured years and practised wisdom, they pleaded their cause on the sober grounds of right and interest. They conducted a revolution with the caution of a lawsuit, and justified every step as they

* A Memorial, addressed to the sovereigns of America, by J. Pownall, late Governor of the Provinces, now States, of Massachusetts Bay, South Carolina, &c. London. Debrett, MDCCLXXXIII.

advanced by the authority of a precedent. So far were they from believing themselves the vanguard of a new political crusade, that they recognised with readiness the most arbitrary of existing relations. They were willing to share the West Indies with the king of France; they offered to assist in reconquering Portugal for the crown of Spain; and with no affectation of sentiment, upon the birth of a French Dauphin they declared "that nothing was wanting to the prosperity of the kingdom but the prospect of seeing the crown transmitted to an heir, who would find in the example of his parent a powerful incitement to promote the happiness of his people. This example, we presume to hope, will also influence his future conduct to the United States. When in the history of the present day he shall read your majesty's generous interference in their behalf, their firm and affectionate attachment, and the blessings with which both are crowned, he will be studious to preserve to his kingdom and these states the reciprocal advantages of the alliance which your majesty has formed, and to emulate his ancestor in adding to his titles the glorious appellation of Protector of Mankind." They respected old institutions, and reverenced

old authority; for they realized that they were the legitimate offspring of the past, and considered the struggle of the revolution but as the natural throes of a new birth.

The political position, therefore, of the United States at the period of its recognition may be thus described. They entered into the community of nations, having expressly recognised by word and deed the two essential principles of international law—principles which have governed the world from the Peace of Westphalia to the Congress of Vienna—1. That within its political limits, the action of every nation is absolute and irresponsible: 2. That there does exist among nations such a sympathy of interest as justifies political intervention, wherever the action of one power affects general questions, or modifies the relative strength of equal states. It has been at times the interest of strong ambition to represent these principles as antagonistic, and to prefer the extravagant application of one, or the total exclusion of the other. But, fairly stated, they are limitations of overgrown power in different directions. Honestly applied, they are strength to the weak, and checks to the strong. But while these are the general rules

to govern national action, the special propriety of any system of foreign relations is determined by the character and influence of national connexion.

Fortunately, the United States were brought into practical contact with the European system only in two ways—through the colonial possessions of certain European powers which adjoined their borders, and through the commercial interests which their own certain maritime development would create. The illustration and application of these principles belong of course to the history of an after-time, when the influence of the United States began to exert itself upon the affairs of the world. But the benefit of the diplomatic labors of the Revolution was, that then were distinctly declared the principles of a great system—a system simple and conservative in itself, but which was, nevertheless, capable in its essential nature of definite and consistent expansion, to meet the almost miraculous growth of the national interests. However perplexed at times has been the political history of the world, there is one great fact evident in its progress,—that although temporary necessities may compel a nation to occupy unusual positions, there is an

individual character stamped on the policy of each nation, which can be traced through its whole career; that Providence seems to have trusted certain interests to each large combination of political society, in obedience to which it should govern its political life, and its fidelity to which is the measure of its general prosperity. It was therefore of much moment to a new nation, that its place should be ascertained and its system fixed. That importance cannot be more eloquently stated than in the language of an eminent contemporary of the revolution. "Although a bold, a daring, or a lucky stroke may succeed for the hour or the season, or in the transient small affairs of individuals, yet nothing but system as it arises from the nature of the State will be efficient to any permanent purpose: to an empire, nothing but system even in the line of defence, will guard a State against and repel the attacks of fortune. The most daring fortitude, the most active courage, unless it hath such foundation, would become folly and madness, and only ruin a State with more *éclat.* The acutest foresight, the firmest spirit, if acting and exerted only on the occasion, can neither guard against nor resist its force.

Quid quisque vitet, nunquam homini satis
Cautum est in horas.

No temporary reasoning, no temporizing State-craft applied only to occasions, can either be aware of or prevent her strokes; nor will the most inexhaustible fund of resource, or the most noble application of remedy, relieve men under the maladies which she brings upon their affairs. System alone as it founds itself on the nature of things and the nature of man established in fact and truth, and uniformly pursued with spirit, can be adequate to the administration of the affairs of a State. A system of this spirit and temper in the rulers, if there is a spirit in the people correspondent with it, commands fortune. Such a system in the great and arduous affairs of men, flows through the ever varying series of events, like a large and copious river through the varying regions of the earth. Its greatness is not affected by small accidents or incidental chances. The floods of the mountains may pour down in torrents that shall disturb and foul its waters for a season, but it holds its course, and as it flows purging off all noxious mixture, clears again to the original purity of its element. The scorching drought of heaven may draw off much

of its waters, but the abundance of its original and internal source is superior to such external diminution; and it still holds on its course in one uniform tenor equal to all the purposes for which it flows. It may be precipitated into rapidity in one part of its current, it may be checked in another; it may be drawn winding through this vale or forced to make a circuit round that mountain; but its general course flows uniform with itself, conforms to the nature of the country it passes through, and maintains the general direction which its issue bears to its source."*

That a new nation should have been able at once to enter upon such a system is due of course much to circumstances: but it is also and eminently due to the honesty, energy, and ability of its rulers. It is a proud thing in a nation's history, to have done great things; but nobler still is it to do great things through great men. For then the highest ideas are embodied in the highest shapes: then principles which in general come home only to the student in his closet, to the philosopher in the enthusiasm of his speculations, become inspiring realities to the humblest citizen. They are identified with names familiar to the

* Pownall's Memorial.

schoolboy, and enshrined in the homely affections of a national heart. Then the glory which hangs about the past shines with no vague lustre, but is concentrated upon brows towards which the eyes of each rising generation are first directed with reverential admiration. And in that proud circle of famous warriors and great civilians which illustrates the history of the United States, none should stand in brighter light than the diplomatists of the revolution. They were, more particularly than any others, the representatives of the nation in perilous times. Far from home, unsustained by sympathy, their labors hidden from the popular eye, surrounded by perplexities which none but themselves could fully know; simple men in the midst of courtly splendor, watched by ambassadors of old and haughty States, sometimes with jealousy sometimes with hate, treated now with patronizing pity, then with supercilious indifference, they held fast to their faith in their country. They sustained their country's fame; they vindicated their country's interest; and through failure and success they spoke the same language of calm resolution. And as time passed on, and kingdom after kingdom recognised them in the fulness of their ambassadorial charac-

ter, they kept the even tenor of their way undaunted by fortune, as they had been undismayed by difficulty. They negotiated the great treaties which secured the independence of their country with consummate ability. They used every honorable advantage with adroitness, they compromised no single interest through haste, they committed themselves to no exaggerated principles, and sacrificed nothing to temporary triumph. In the course of their long and arduous labors, there were occasional differences of opinion; and like all men, there were times when they failed in their purposes. But they worked together heartily for the common good, and even when circumstances too strong for their control opposed their wishes, they never despaired. The very variety of their characters adapted itself to their necessities: and if the deferential wisdom of Franklin smoothed the difficulties of the French treaty, the energetic activity of Adams conquered the obstacles to the alliance with Holland, and the conduct of the negotiations with England was guided by the inflexible firmness of Jay. Others there were whose fame is less, only because success did not crown their efforts. But through the whole period of this critical time—in all the

communications between the government and its representatives, there is the same firm and temperate counsel. They knew that the Old World was watching their conduct to draw its inferences and govern its policy, and they spoke and acted without passion or petulance. Men of quiet dignity, tried faith, and large ability, their words savored of no insolent bravado, no licentious sentiment. They appealed to the great principles of international law for the warrant of their deeds and the guarantee of their claims. They felt that the right of independent national existence was a privilege not to be lightly claimed; and they entered into the old and venerable circle of nations in no vulgar spirit of defiant equality, but calmly, as conscious of right —resolutely, as conscious of strength—gravely, as conscious of duty.

APPENDIX.

THERE are two subjects, not necessarily embraced in the scope of the preceding discussion, which have been avoided. As incidental reference has, however, been made to them, it may be as well to add one or two general remarks in regard to them.

The first is the unfortunate difference that signalized the proceedings of the Commission to France. That Commission consisted of Benjamin Franklin of Pennsylvania, Silas Deane of Connecticut, and Arthur Lee of Virginia. Lee had been for some time previous to his appointment the agent in London of Massachusetts. He was a barrister of the Temple, a near relative of some of the most eminent public men of America; enjoyed a large consideration among many distinguished English statesmen, including particularly Lord Shelburne and Mr. Burke; and had attracted, by the spirit and patriotism of his writings in defence of his country, the regards of no less a character than the great Junius. He was a man of quick talent, extensive information, and unfaltering patriotism. He had his faults of temper, and was undoubtedly very sensitive as to his personal reputation. He had been approached

early in the troubles by Caron de Beaumarchais, on the part of the French government, and flattered himself that he had been instrumental in effecting an arrangement between the French court and Congress advantageous to the American cause. But when Deane arrived in Paris, early in 1776, before the creation of the Commission, as political and commercial agent of the United States, the French government very naturally transferred their communications to this authorized representative. In September of the same year the Commission was named; but it was evident from the first that there was no confidence between Deane and Lee, and Dr. Franklin unquestionably sympathized in the prejudices of his Connecticut colleague. Lee complained of the irregular manner in which the papers and accounts of the Commission were kept, of the fact that he was not consulted in the proceedings of the mission, and that there was a manifest desire to disparage him in the eyes of the French court. Great allowance must be made for very strong prejudice on his part; and it would, at this time, be useless to examine at length the charges and counter charges, the pamphlets and replies which their controversy engendered.

But there are three facts which it is but right to state in justice to Lee. The first is, that John Adams, who was sent out in the place of Deane after his recall, does say, in his letters and autobiography, that the accounts were in great confusion; and Mr. Adams was surely an impartial witness. The second is, that the correspondence of the Commis-

sioners proves that there were important facts which the Commissioners, or rather Deane and Franklin, did withhold from the knowledge of Lee, although he was their equal in the Commission. For example: When the treaty was concluded, the French government determined to send a fleet to America, and in it a minister plenipotentiary. This was well known to both Deane and Franklin, and they deliberately kept the information from Lee; and the first intimation which he received of so very important a fact was a visit from Mr. Gerard, the minister, who called to say that he would start on his mission early the next morning, and to request from Lee letters of introduction to certain members of Congress. The only excuse made for this unwarrantable conduct was, that the French ministry explicitly desired that the information should not be communicated to Lee. Now if this is true—and it may be—it was no palliation of the disrespect shown Lee, for it will not be disputed that the Commissioners had no right to receive information under any such conditions. They could not ignore Lee's commission, and they were bound to treat him as an essential part of their own authority. The third fact is the after history of Deane's career. Deane was recalled by Congress. He considered that recall a censure, and demanded an investigation of his accounts and proceedings. Congress shuffled, procrastinated, and finally refused to go into the examination. That this was unwise policy and most unjust treatment of Deane is evident. And after a long time spent in endeavors to obtain a hearing, Deane rejected

indignantly a compensation that was offered him by Congress in lieu of the balance which he maintained was his due, and left the country. This was about 1780; but from this time his politics suddenly changed. He wrote to many of his friends, urging upon them the propriety of a reconciliation with England, the impossibility of maintaining their ground, and the indisposition of their allies to render them any effectual assistance. These letters were intercepted, and published under the following title, "Paris Papers, or Mr. Silas Deane's late intercepted Letters to his Brothers and other intimate Friends in America—to which are annexed, for comparison, the Congressional Declaration of Independence in July, 1776, and that now circulating among the revolted Provinces, with the *never-to-be-forgotten* orders of the rebel General in *August*, 1776, for *preventing a Pacification*. New-York—reprinted by James Rivington."

The letters are well and forcibly written, and advocate the abandonment of independence, 1, because impossible, and 2, because injurious even if possible. In 1784 he published "An Address to the Free and Independent Citizens of the United States of North America: Hartford," in which he acknowledges the letters, and with considerable spirit defends his right to an opinion, and the justice of that opinion. There is one passage in the address which bears directly on the subject of the chapter to which this note is annexed, and it is therefore quoted here, not, however, as authority:

"But have not events, in part, justified this opinion of mine? You best know by what intrigues the French court prevailed with Congress to order our Commissioners not to sign any treaty with Great Britain, without the knowledge and consent of the court of Versailles, and thus to put our future peace, liberty, and safety absolutely in their power. Nor can you, I presume, be ignorant, that the court of France having thus bound us, began to take off the mask, and to take measures with and to propose terms to the other powers for excluding us from the fisheries, and for supporting the extravagant claims of Spain to East Louisiana; and that our Commissioners, alarmed at this, wisely ventured to break the orders sent them from Congress, and to sign the preliminary articles without either the knowledge or consent of the minister at Versailles. Are not these well known facts abundantly sufficient to justify me for having in 1781 entertained suspicions of the sincerity of France in her professions of disinterested friendship to the United States?"—*Address*, pp. 18, 19.

It is almost needless to add that these letters destroyed Mr. Deane's reputation in the eyes even of his friends at home. Mr. Jay, whose relations towards him seem to have been very friendly, wrote him a formal letter terminating their acquaintance; and Mr. Livingston, the Secretary for Foreign Affairs, addressed the ministers abroad, putting them on their guard as to his defection.

It is also worthy of remark that on both points upon which Mr. Lee differed with his colleagues, he was justified by after events. Mr. Lee opposed strenuously the twelfth article of the treaty, which, in return for the free exportation of molasses from the West Indies, gave to France a similar right with respect to such productions of the United States as were destined for those islands. His colleagues overruled him, but Congress required the article to be stricken

out before they ratified the treaty. He also expressed very freely his apprehensions lest the terms of the treaty, in falling short of the language of the first articles of Congress, would leave room for doubts and questions afterwards; and although again overruled, it is certain that the Commissioners for the Peace of 1783 acted on his suspicions, and the extract above, from Deane's Address, shows that Deane afterwards thought him right. And although we may not agree with his suspicions then, they should at least be attributed to an honest, if impotent zeal, in behalf of his country's interests.

These facts are stated with no intention of making an argument, but in justice to the character of Arthur Lee, who was unquestionably an eminent and efficient servant of the Republic, whose just reputation has been, in the popular eye, overshadowed by his association with Franklin; and also because the prejudice which seems to have been created against him in France, re-appears after a long time in the following paragraph from a recent work, which needs no refutation for any one tolerably acquainted with the history of his country:

"Mais la faction Anglaise des Tories subsistait: elle était puissante par le crédit de ses chefs, dont le plus influents étaient Samuel Adams et Richard Lee, frère d' Arthur Lee, un des députés du Congrès en France: et elle ne cessait par ces sourdes menées d' entretenir le trouble et la versatilité dans le sein du Congrès."—*Garden's Traités de Paix*, Tome iv.

The second subject was the nature of Rayneval's mission. It is unnecessary even here to go into detail as to this mission. It will be found

fully and accurately described in Flassans, Diplomatie Française, tome vii.; in the editorial note on the subject in Sparks's Diplomatic Correspondence of the Revolution, vol. viii. p. 208; and in a series of letters, temperate in tone, full in information, and conclusive in reasoning, published in the National Intelligencer of August and September, 1847, by Mr. Jared Sparks. These letters contain an interesting discussion of the relations of France to this country during the Revolution; and though not exactly from the same point of view taken in the preceding pages, I am glad to refer to them in illustration and confirmation of some of the opinions there expressed. I may here take the opportunity of referring generally to a book, which, through inadvertence, I have omitted in the notes to the text—Lyman's Diplomatic History of the United States. It is a laborious and honest, though not very interesting history. It ought to be a subject of congratulation to those who feel interested in the history of the country, that the subject of the early diplomatic history of the United States has not only engaged the attention of Mr. Jared Sparks, whose collection of documents relating to it is almost perfect and certainly invaluable, but must also occupy a large share of the future volumes of Mr. Bancroft's very able history.

3 6105 019 968 101

T796

STANFORD UNIVERSITY LIBRARIES
STANFORD AUXILIARY LIBRARY
STANFORD, CALIFORNIA 94305-6004
(650) 723-9201
salcirc@sulmail.stanford.edu
All books are subject to recall.
DATE DUE

DEC 16 1999
NOV 20 1999